

Exhibit 27

UNITED STATES DISTRICT COURT

International Paper Company,)
 Plaintiff,)
v.) Civil Action No.
Beazley Insurance Company, Inc.,) 2:22-cv-02789-MSN-CGC
and Zurich American Insurance)
Company,)
)
 Defendants.)

DEPOSITION OF JYOTIKA BALSARA

10:00 a.m.

December 21, 2023

Foster City, California

File #6359128

Reported By: Judy Robinson, CCR #2171

A P P E A R A N C E S

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Also Present: Peter Yaroschuk, Videographer

I N D E X

WITNESS	EXAMINATION	PAGES
JYOTIKA BALSARA		
	BY MR. MURPHY	6-47

E X H I B I T S

NO.	PAGE	DESCRIPTION
Exhibit 1	10	Deposition Notice
Exhibit 2	32	Presentation to Georgetown Mill

1 BE IT REMEMBERED that the deposition upon oral
2 examination of JYOTIKA BALSARA was taken on December 21,
3 2023, at 10:00 a.m., at 125 South 309th Street, Federal
4 Way, Washington, 98003, before Judith A. Robinson, CCR,
5 Notary Public in and for the State of Washington, residing
6 at Federal Way, Washington.

7 Whereupon, the following proceedings were had,
8 to-wit:

9 VIDEOGRAPHER: Good morning. We are
10 going on the record at 10:06 a.m. on December 21st, 2023.

11 Please note that the microphones are sensitive and
12 may pick up whispering, private conversations, and cellular
13 interference.

14 Please turn off all cell phones and place them
15 away, as they can interfere with the deposition audio.

16 Audio and video recording will continue to unless
17 all participants agree to go off the record.

18 This is Media No. 1 of the video-recorded
19 deposition of Jyotika Balsara, taken by counsel for
20 defendant, in the matter of International Paper Company, v.
21 Beazley Insurance Company, Incorporated, et al., filed in
22 the United States for the Western District of Tennessee,
23 Case Number 2:22-cv-02789-MSN-CGC.

24 This deposition is being held on a Zoom
25 videoconference.

1 My name is Peter Yaroschuk from the firm Veritext.
2 I am the videographer. The court reporter is Judy Robinson
3 from the firm Veritext. I am not related to any party in
4 this action, nor am I financially interested in the
5 outcome.

6 Counsel and all present, and everyone attending
7 remotely, please now state your appearances and
8 affiliations for the record.

9 If there are any objections to proceeding, please
10 state them at the time of your appearance, beginning with
11 the noticing attorney.

12 MR. MURPHY: Thank you. Eugene Murphy,
13 with the law firm of Robinson Cole, on behalf of the
14 defendants, Beazley Insurance Company.

15 MR. TOWNSEND: Nathan Townsend, from K&L
16 Gates, representing International Paper.

17 VIDEOGRAPHER: Thank you.

18 Would the court reporter please swear in the
19 witness.

20 REPORTER: Yeah, okay.

21 And good morning, Counsel.

22 Before we proceed with the deposition, I just want
23 to make you aware I'm a licensed reporter of 24 years in
24 the State of Washington and will need a joint agreement and
25 stipulation from all parties in order to swear in the

1 witness under the Federal rules.

2 Can I please get your verbal agreement?

3 WITNESS: Yes.

4 MR. MURPHY: Agreed for the defendant.

5 MR. TOWNSEND: Agreed, International
6 Paper.

7 * * * * *

8 JYOTIKA BALSARA

9 having been first duly sworn

10 on oath was examined

11 and testified as follows:

12 E X A M I N A T I O N

13 BY MR. MURPHY:

14 Q. Okay thank you.

15 Good morning, again, Ms. Balsara. Again, my name's
16 Gene Murphy. I represent the insurance company in this
17 insurance coverage action that's now pending, and I'll be
18 asking you questions here today.

19 Let me just ask you to state your full name and
20 address for the record.

21 A. Jyotika Balsara, 351 Seahorse Court, Foster City,
22 California.

23 (Reporter Clarification.)

24 BY MR. MURPHY:

25 Q. Okay, Ms. Balsara, have you ever been deposed

1 before?

2 A. Sorry, to where?

3 Q. Have you ever been deposed before? Have you ever
4 been asked questions under oath in a context such as this?

5 A. No, I'm -- I'm -- sorry, no, I'm not. I'm not even
6 sure why I'm here today, honestly.

7 Q. Okay, fair enough. I'm going to explain to you the
8 procedure, and, you know, we'll provide you with a little
9 bit more detail, but the main purpose would be for us to
10 ask you questions in connection with this pending
11 litigation.

12 Let me -- let me explain some of the ground rules,
13 and, you know, we'll get to the point where we're going to
14 start with the first question. But -- and there are
15 questions to the ground rules, but let me just go through
16 it.

17 Again, if anything comes up that's unusual or you
18 don't understand, just stop me and let me know. That's
19 fine. I understand it's your first deposition.

20 So, the way the procedure works is, I pose
21 questions, and I'd ask that you respond to those questions
22 to the best of your ability.

23 Not to get into the substance at this point, but
24 the questions today are going to relate to your work with
25 BGS in the context of various contracts with International

1 Paper.

2 With that said, there will also be an opportunity
3 for International Paper's Counsel, Nathan Townsend, who's
4 here on the screen as well, to ask questions after I ask
5 questions as well. So we'd ask that you respond, to the
6 best of your ability, to both Counsels' questions.

7 As we proceed, different things come up. You know,
8 we're doing this via video, via Zoom.

9 Please let me finish my questions before you
10 respond. Sometimes people in normal conversations speak
11 over each other. It's not, you know, intentional or meant
12 to be offensive, but the problem is we have Judy
13 transcribing the record, and she can only transcribe one
14 person at a time.

15 Secondly, when we proceed -- as we proceed here,
16 the questions have to be verbal, the responses have to be
17 verbal. So please give us verbal responses. Gestures and
18 nods of the head, which may seem appropriate because we
19 have you on video, are also a challenge to transcribe, so
20 we need verbal responses as well.

21 If, at any time, as I said earlier, either Counsel
22 asks you questions that you don't understand, you think
23 they're confusing, or whatever the reasons are, please just
24 let us know, and I'm sure both Counsel will attempt to
25 clarify.

1 Is that all acceptable in terms of the basic ground
2 rules?

3 A. Yes.

4 Q. Okay. And let me ask you a couple other
5 preliminary questions that are not meant to offend you in
6 any way. I ask every witness these questions before we
7 start.

8 Number 1, have you ever been convicted of a crime?

9 A. No.

10 Q. Okay. Are you taking any medication that would
11 affect your ability to understand my questions here today?

12 A. No.

13 Q. Okay. And your date of birth, please?

14 A. June 28, 1972.

15 Q. All right. And you asked -- you -- you said you
16 don't know why you're here today. The purpose is an
17 insurance coverage dispute between International Paper and
18 my client, Beazley Insurance Company. So that's basically
19 a dispute over whether or not insurance proceeds should be
20 paid to International Paper, in connection with, I'll just
21 say this very generally, DGS activities and Mid South
22 activities. So those are what the questions are going to
23 involve.

24 Does that help you understand why you're here
25 today?

1 A. Yes. I wanted to just make a note that it's been
2 -- I stopped working with DGS or Mid South January of 2020.
3 So I may not be able to recap everything in detail, just to
4 put that on record. It's been a few years.

5 Q. We understand. That's fine. We have some exhibits
6 that we can share with you on the screen, so you'll be able
7 to see that as well, okay?

8 A. Uh-huh.

9 MR. TOWNSEND: Gene, do we want to walk
10 through Exhibit Share and make sure that's in working order
11 for everyone?

12 MR. MURPHY: Yeah, that's a good idea.

13 (Exhibit No. 1 was marked.)

14 BY MR. MURPHY:

15 Q. Now, the exhibits are in a software called
16 Exhibit Share. So I've already introduced Exhibit No. 1.

17 Can you open up that exhibit? Can you see that
18 exhibit right now?

19 (Discussion between counsel and witness.)

20 VIDEOGRAPHER: We are off the record at
21 10:16 a.m.

22 (Off the record.)

23 VIDEOGRAPHER: We are back on the record
24 at 10:19 a.m.

25 MR. MURPHY: Okay, thank you.

1 BY MR. MURPHY:

2 Ms. Balsara, we're going to continue with the
3 deposition.

4 Thank you for identifying yourself and your
5 address. Let me just ask you, you know, have you worked
6 for DGS? And do you know what DGS stands for?

7 A. Diversified Global Sourcing, and yes, I did work
8 for them.

9 (Reporter clarification.)

10 BY MR. MURPHY:

11 Q. Okay. And just to clarify, I -- I appreciate the
12 response. Just to be more precise, DGS actually refers to
13 Diversified Global Sourcing, Inc.; isn't that correct,
14 Ms. Balsara?

15 A. Yes, that is correct.

16 Q. Okay. As we go forward with the deposition here
17 today, there are a couple of different names that I'll be
18 using, or -- or references to entities that we have some
19 short versions or acronyms for. I want to go through those
20 just to make sure that you're familiar with them.

21 Is that okay?

22 A. Sure.

23 Q. Okay. First, in addition to DGS, there's another
24 company known as Mid South Diversity Group, Inc.

25 Are you familiar with that company?

1 A. Yes, I am.

2 Q. Okay. And if I refer to it as Mid South during the
3 deposition today, you'll understand that to mean Mid South
4 Diversity Group, Inc.; is that right?

5 A. That's correct.

6 Q. And also, There's a gentleman by the name of
7 Sitaraman Jagannarth who is sometimes referred to as Jag.

8 In the future if I refer to Jag, do you know who
9 that is?

10 A. Yes.

11 Q. Okay. And for the record, could you just identify
12 who you understand Jag to be?

13 A. He was, I believe, the head of Global Sourcing at
14 International Paper.

15 Q. Approximately when?

16 A. Well, when I started working at Diversified, which
17 was probably about eight or nine years prior to 2019, is
18 when he was head of Global Sourcing.

19 Q. And there's another gentleman you -- you come to
20 refer to as Shiv. Do you know who Shiv is?

21 A. He was my boss.

22 Q. Okay. Could you, for the record, provide us with
23 his full name?

24 A. Shiv Kumar Seetharman.

25 Q. Okay.

1 MR. MURPHY: During a break, Judy, I'll
2 give you some of the spellings, if that's acceptable.

3 REPORTER: Thank you.

4 MR. MURPHY: Okay.

5 BY MR. MURPHY:

6 Q. Okay, great. And sometimes I may slip into calling
7 International Paper IP. You're familiar with International
8 Paper, correct?

9 A. Yes. Yes.

10 Q. And -- and what's the basis for your familiarity
11 with International Paper?

12 A. Well, I work for Diversity, DGS, and we had
13 contracts with International Paper, where we were providing
14 chemicals to them.

15 Q. Do you work for Mid South?

16 A. I work for Diversified Global Sourcing.

17 Q. Okay. Did you have -- did you ever provide any
18 services for Mid South?

19 A. I did, yes.

20 Q. That was as a DGS employee; is that right?

21 A. Yes.

22 Q. Okay. And you were a -- a W-2 employee of DGS; is
23 that right?

24 A. That is -- it's actually, 1099.

25 Q. Okay. So you were not actually an employee or an

1 independent contractor; is that right?

2 A. Yes.

3 Q. Okay. All right. I wanted to get through some of
4 those names and acronyms. Let me just go back, step back
5 for a moment more generally. Could you share with us your
6 educational background?

7 A. High school.

8 Q. Okay. Where did you attend high school?

9 A. I'm actually from South Africa, so I attended high
10 school in South Africa.

11 Q. Okay. And when did you graduate?

12 A. Oh, wow. 1983.

13 Q. 1983?

14 A. Yeah, I think so. Sorry. It's just been too long
15 now.

16 Q. I understand. That's fine.

17 Any other schooling? College? University?

18 Post-graduate work? Anything like that?

19 A. I did do -- I have -- I'm a real estate agent. I
20 did travel and tourism. So I have certification for that
21 when I came into this country through Canada College.

22 Q. You have a real estate license?

23 A. That's correct.

24 Q. With the State of California?

25 A. That is correct.

1 Q. Okay. Any other professional licenses?

2 A. No.

3 Q. Okay. I want to start out generally. I'm -- my --
4 the next couple questions are just about your employment
5 background.

6 Could you tell us, you know, generally, what kind
7 of work you pursued after graduating from high school?

8 A. I worked at a bank. I worked at a credit union. I
9 worked for Provident Financial. I worked at a call center.
10 So a lot of financial background. A worked for a company
11 for a few years before I joined DGS as an office manager.

12 Q. And just generally over the years, where were you
13 located with regards to those -- those jobs?

14 A. When I worked in a bank in -- I was in South
15 Africa; I worked at the credit union in the U.S.; I worked
16 as an office manager in the U.S.

17 Q. Could you be a little bit more specific as to where
18 in the U.S.?

19 A. California.

20 Q. Okay.

21 A. San Mateo, California.

22 Q. Okay. Do you have -- have you worked, prior to any
23 involvement with DGS or Mid South, have you had any work in
24 the chemical manufacturing industry?

25 A. No.

1 Q. Okay. Do you have any particular training in
2 connection with chemical manufacturing?

3 A. No, I do not.

4 Q. What was your specific job prior to joining DGS?

5 A. I worked as a real estate agent. And I worked to
6 -- I worked as an office manager.

7 Q. And that was in California?

8 A. That is right.

9 Q. How did you come to be employed with DGS?

10 A. Shiv Kumar is a common friend and he asked me if I
11 could do admin assistant, office management for his company
12 that he's starting. And that's how I joined him.

13 Q. When you say, "a common friend," do you know him
14 through relatives or what's the connection?

15 A. Friends. I know him through friends.

16 Q. Okay.

17 A. Our children went to school together.

18 Q. And your children went to school in California?

19 A. That is correct.

20 Q. At some point did you move to Tennessee?

21 A. No.

22 Q. So, in connection with your work with DGS, you were
23 always based in California?

24 A. That is correct.

25 Q. I know you stated it before, but just so I'm clear,

1 the city you were working out of in California while you
2 were with DGS was which city?

3 A. Foster City.

4 Q. Okay. How did the -- you said that Shiv asked you
5 if you could assist in that office manager capacity.

6 How did he describe the job to you, what the duties
7 would be to you as that agent?

8 A. It would be more accounts receive -- well, I was
9 the first employee to start at DGS.

10 So I would be doing account receivable, payable. I
11 would review contracts. I would be placing orders that we
12 would receive. I would be the contact person between
13 International Paper and our vendors, and basically
14 receiving money and in making payments.

15 Q. And that was how it was described to you.

16 I wanted to get to what you actually did shortly,
17 but that was how the job was described to you?

18 A. Yes.

19 Q. Okay. And I know from looking at the documents you
20 started working there. So you came to an agreement. You
21 agreed to some terms with Shiv in that regard, correct?

22 A. Yes, that was going to be my role.

23 Q. Okay. So you earlier testified you were a 1099 DGS
24 person. So what was the nature of the agreement that you
25 had as a complication with DGS?

1 A. You want to know my pay? Is that what you're
2 asking.

3 Q. Well, how did you get paid? How often? And then
4 --

5 A. Oh, monthly.

6 Q. -- like, how --

7 A. Monthly paid.

8 Q. Monthly, all right. And what was the annual
9 salary?

10 A. So I ended with 90K. I think I started at maybe 35
11 or 40.

12 Q. Okay. In terms of being the first employee at DGS,
13 was there any kind of training that was performed by Shiv
14 or anybody else, to, you know, get you to know the systems
15 and the -- the procedures that were going to be established
16 at DGS?

17 A. Yes, Shiv would be the person that guided me on
18 what we need to have in place. Since I worked as an office
19 manager for about four years prior with another company, I
20 -- my experience helped him bring, you know, an accountant
21 or to use QuickBooks. How to make things a little bit
22 easier as far as accounting, and, you know, the -- the
23 general office management stuff.

24 Q. So when did you start at DGS?

25 A. I believe it was 2010 or 2011. In that timeframe.

1 Q. Oh. I'm going to be able to show you some exhibits
2 later. But I have one exhibit that's dated June of 2011
3 that you drafted while with DGS. Does that sound about
4 right?

5 A. That's -- that probably sounds right.

6 Q. Okay. When you first started with DGS, tell me
7 what you did on your first day if you remember.

8 I'm just trying to get an appreciation for what you
9 were introduced to and what services you were, you know,
10 they had you perform for DGS.

11 A. When we initially started, it was trying to get --
12 trying to get a website going, trying to learn a little bit
13 about the chemical business, trying to figure out insurance
14 for the company, try to find out an accountant for the
15 company.

16 Q. Were you shortly thereafter, once you started,
17 introduced to certain IP contacts?

18 A. I was introduced to International Paper because
19 they were the company we were going to be supplying
20 chemicals to.

21 Q. Do you remember who your initial contact were with
22 International Paper?

23 A. I'm sorry. I do not.

24 Q. Did you speak with those contacts over the phone?

25 A. Yes, I always had spoke with them over the phone.

1 Q. Okay. Did you ever have email communications with
2 them?

3 A. Yes.

4 Q. Okay. Did your job -- so what was your actual
5 title then? I know you described some of your duties.
6 What was your actual title?

7 A. So I was admin assistant, or ops manager. You
8 know, I -- I played a lot of roles. I did the HR stuff and
9 we started hiring folks as well.

10 So this -- in the beginning it was playing a lot of
11 hands.

12 Q. And when you were performing the HR stuff and
13 hiring people, were they being hired at employees, 1099s,
14 W-2 employees? How were they --

15 A. W-two. They were W-2.

16 Q. Okay. Did you ever become a W-2 employee?

17 A. No, I did not.

18 Q. Once you started working in approximately 2011 for
19 DGS, what were the nature of the services that DGS was
20 providing to its customers?

21 A. They were --

22 MR. TOWNSEND: Objection to form.

23 BY MR. MURPHY:

24 Q. You can answer. Sometimes there will be objections
25 by counsel, and unless there's something more specific, you

1 should go ahead and answer the question, to the best of
2 your ability.

3 A. We were purchasing chemicals and providing to
4 International Paper.

5 Q. Did DGS have any other customers other than
6 International Paper?

7 A. No.

8 Q. And you mentioned suppliers earlier. What
9 suppliers did DGS work with?

10 A. We worked with Georgia Pacific, GP. We worked with
11 Nalco. We worked with Kemira.

12 (Reporter clarification.)

13 BY MR.

14 Q. Before she asked for the spelling, were there any
15 others?

16 A. There were. I'm sorry. I don't know the names.

17 Q. Okay. Without understanding that you can't
18 retrieve all the names off the top of your head,
19 approximately how many suppliers did DGS have business
20 relations with?

21 A. I would say about six, seven, maybe over the
22 timeframe. Some came and went, and, you know, we changed
23 vendors.

24 Q. Okay. Why would you change vendors?

25 A. Because of pricing.

1 Q. So throughout the time that you were with GDS --

2 MR. TOWNSEND: DGS.

3 BY MR. MURPHY:

4 Q. -- DGS, excuse me, was Shiv always your immediate
5 superior?

6 A. Yes, he was.

7 Q. Okay. And that was the person that you were always
8 reporting to?

9 A. That's correct.

10 Q. Did there come a time, you know, during the hiring
11 of employees, that that you reported to anybody else?

12 A. No, I did not.

13 Q. Did anybody report to you?

14 A. We had another employee, and they would report to
15 me, or -- in parallel to Shiv as well. If they had
16 questions they would come directly to me first, and I would
17 either take them to Shiv, or they'd go to him directly. We
18 were a very small company of maybe, like, four or five
19 employees. And so they would come to me for direct
20 questions, you know, whether it's regarding pay or ordering
21 something with vendors. If there was a conflict or
22 delivery problem they would come to me for assistance, and
23 if it's something I could not handle, it would go to Shiv.
24 Q. When you say, "ordering with vendors," are you
25 referring to the suppliers you mentioned?

1 A. That is correct.

2 Q. Again, I know it's been a while, but can you, to
3 the best of your memory, identify these DGS employees?

4 A. There was one lady called Heather, and I do not
5 remember her last name. And the other employee that worked
6 a long time with us was -- sorry, I just don't remember his
7 name anymore, but he was there for quite sometime, quite a
8 few years.

9 Q. Do you know a gentleman by the name of Mark Allen?

10 A. Mark Allen, that's right.

11 Q. And -- and what was his role at DGS?

12 A. It became an overload for me to do the ordering
13 from vendor and delivery of, plus the -- the other stuff
14 going around the accounts receivable and payable. And so
15 we got Mark Allen involved to take care of ordering and
16 making sure that the deliveries took place.

17 Q. What was Mark Allen's background, if you know?

18 A. I think Mark worked at -- in Kenny Grove for
19 sometime, but he did many other jobs as well. He was
20 actually a retired cook. And he could do this from home,
21 so it worked out well for him.

22 Q. Where he was based?

23 A. He was based in Charlotte.

24 Q. North Carolina?

25 A. Uh-huh.

1 Q. All right. Where was Heather based?

2 A. I don't remember, but somewhere in the East Coast.
3 I did not have too much communication with Heather. It was
4 mostly with Mark. When Mark was traveling, then Heather
5 took over the ordering, so we had her as a backup for a
6 short time.

7 Q. I mentioned the four or five employees and you
8 mentioned Heather and Mark. Any other names you can
9 remember?

10 A. We had one more gentleman. I do not his name. He
11 worked a short time for us. And we -- we wanted him to do
12 more sales, but he didn't work out well.

13 Q. Where was Shiv based during the time that you were
14 working at DGS?

15 A. He was both in Tennessee and in California.

16 Q. Did your job as the office manager require any
17 traveling?

18 A. I did travel. I did go to Georgetown. I went to a
19 couple of mills. I remember Georgetown was the first one
20 when we were we were trying to get our first contract. I
21 did travel with Shiv to Georgetown.

22 Q. And generally speaking, what was the nature of that
23 -- that travel, that business travel? What was the purpose
24 from a DGS perspective?

25 A. We were doing the presentation.

1 Q. (Coughing) I'm sorry. That was me. I coughed.
2 Say that again.

3 A. We were doing a presentation to let the mill know
4 that the product that we were going to be providing them.
5 And I do not remember which product it was at the time.

6 And it is basically a presentation to say who we
7 were, and we can provide this product, pricing, and what we
8 can do for International Paper.

9 Q. All right. I'm going to have something I can show
10 you shortly. It's a PowerPoint presentation, and it's --
11 it actually says, "Presentation of International Paper
12 Georgetown, South Carolina."

13 Does that sound familiar to you?

14 A. That's correct.

15 Q. Is that something you put together, or Shiv, or do
16 you know?

17 A. We would have both put it together.

18 Q. Okay. So it's fair to say, I know we didn't have
19 exact dates, but I know you worked with DGS for
20 approximately nine years?

21 A. About that. That's correct.

22 Q. Did your -- you've described your various duties
23 and the things that you did. Did that change much over the
24 years? Did you just get more active? Tell me how your
25 role expanded or changed, if at all, during that nine-year

1 period.

2 A. What I've told you is pretty much what I did at
3 DGS. I would review contracts with Shiv when he received
4 contracts from International Paper, just as a second read.

5 Q. Right.

6 A. Making sure we're not missing out on something or
7 signing off on something. So I would -- I would read
8 contracts.

9 Q. Okay. When you -- when you travel for these
10 different meetings to the mills, would Shiv accompany you?

11 A. The first one, yes, to Georgetown. Like I said,
12 that was our first presentation and we both went together.
13 It was also a learning for me to see how the company was
14 going to work. And like I said, and I was the only
15 employee at the time. At that, I think it was that trip
16 when I looked -- was looking for Mark Allen -- it's when I
17 found Mark Allen.

18 Q. Uh-huh.

19 A. And, yeah, I think we got him on board.

20 Q. So in -- in future, you know, business trips,
21 Mark Allen would accompany you, is that right?

22 A. No, Mark did not. I did another -- I don't
23 remember which city I went to. I did go once. It was more
24 like a little sales pitch or just to introduce where we
25 are. If they needed anything, you know, they could always

1 come to us. If they needed other chemicals they could come
2 to us, and we could outsource it for them, or we could
3 source it for them.

4 Q. Okay. So can you share with us, by way of an
5 approximation, how many times you personally traveled to IP
6 mills during your nine years with DGS?

7 A. For sure two times. It could be three. But
8 definitely I went to Georgetown and I went to another mill.
9 I don't remember which one. I was dealing with many mills
10 with International Paper.

11 Q. And when you say, "too many," approximately how
12 many?

13 A. Oh, I would say 10, 12 mills, if not more.

14 Q. In different states throughout the country?

15 A. That is correct.

16 Q. Any work outside the country?

17 A. No.

18 Q. All right. In terms of the work DGS was performing
19 during your nine-year period, how did that work go? Were
20 you achieving the goals within DGS? Were you keeping the
21 IP happy? What -- describe first the -- the success or
22 efforts of DGS.

23 MR. TOWNSEND: Objection, vague.

24 BY MR. MURPHY:

25 Q. You can answer if you understand the question.

1 A. So my understanding is we -- we were keeping in
2 happy with providing them the chemicals they wanted. We
3 were always providing on-time service. We were very good
4 at that, especially when they were in a -- a in a holiday
5 season or bad weather. We'd get our vendors. Even if we
6 got a different vendor in to provide the chemical, we'd --
7 we'd do whatever it takes our -- to get our trucks in there
8 to drop off the chemicals, because they always needed the
9 chemical to -- to produce.

10 Q. Right. So that was a service and connection with
11 shipping in the chemicals to the various mills; is that
12 right?

13 A. That's correct.

14 Q. Okay. And I did see some references to -- I'm
15 forgetting the name now. We'll see it, but a hurricane
16 that, you know, certainly impacted the schedules, the
17 shipping schedules; is that right?

18 A. That is correct.

19 MR. TOWNSEND: Objection --

20 A. -- yes.

21 MR. TOWNSEND: -- lacks foundation.

22 (Reporter clarification.)

23 (Requested testimony was read.)

24 BY MR. MURPHY:

25 Q. And to the extent that you had weather event like

1 that, what was it you would actually do to address the
2 shipping schedules?

3 A. We would -- if International Paper reached out to
4 us because they needed a certain chemical to go on
5 producing, we would see with our vendors if they could send
6 out a truck or two to provide a -- provide the chemical out
7 there to their mill.

8 Q. Okay. And were you generally successful in that
9 regard?

10 A. Yes, we were.

11 Q. Okay. And if for some reason your supplier could
12 not supply the chemical, what action did DGS takes?

13 A. We were unable to do it at this time.

14 Q. Okay. Did you ever find alternate sources?

15 A. Yes. Like I mentioned before we would try other
16 vendors.

17 Q. Okay.

18 A. Not necessarily the vendor that's already providing
19 it, but another vendor that would have the similar
20 chemical, we would try to help him out by getting that
21 product in there.

22 Q. Okay. At some point in time you testified earlier
23 you left DGS?

24 A. Sorry, the question again?

25 Q. Sure. At some point in time you left DGS; is that

1 right?

2 A. 2020 is when we stopped DGS -- providing inter --
3 well, I think it was 2019, the end of 2019, in December, we
4 stopped providing any chemicals to International Paper.
5 And then Jan, 2020, I was no longer working with them.

6 Q. Okay. And what's your understanding as to why DGS
7 stopped supplying chemicals to International Paper?

8 A. Actually, I didn't understand at the point why it
9 all stopped. And then in January, I'd gone on a holiday
10 and I knew I didn't have a job anymore with DGS, and we
11 were going to stop -- we were going to stop supplying
12 International Paper, and we were not going to continue with
13 the company. We were going to shut down for now, unless I
14 know that there were a lot of pending payments, so I tried
15 had a for a month and International Paper did not pay. And
16 so at that point I had no job.

17 Q. Okay. Did you make any payments to suppliers
18 during that time?

19 A. When we stopped receiving payments we stopped
20 making payments as well.

21 Q. Okay. So when the money stopped coming in from
22 International Paper, DGS stopped paying suppliers; is that
23 right?

24 A. That is correct.

25 Q. Did Shiv give you any explanation as to why DGS was

1 no longer supplying IP?

2 A. He told me there was some kind of lawsuit. I
3 didn't go into too much of detail because it was not -- it
4 didn't have anything to do with me.

5 Q. Did anyone share with you, or did you learn of any,
6 you know, allegations of misconduct by DGS?

7 A. When I was contacted by the FBI that's when I came
8 to know.

9 Q. And when were you contacted by the FBI?

10 A. 2020 sometime, I believe.

11 Q. And I presume you generally shared with them what
12 you did at the business; is that right?

13 A. That's correct.

14 Q. And what type of work did you pursue after you left
15 DGS?

16 A. I didn't work for a few months because it was the
17 Covid time. It was difficult to find a job working from
18 home especially. Now I have my own catering business.

19 Q. Okay. And that's what your -- your work is today
20 is a catering business?

21 A. That is correct.

22 Q. Okay. I'm going to go ahead, I don't know if I'm
23 going to jump to it right away. But first let me just ask
24 you, did that other exhibit fully download? Can you see
25 it?

1 A. Let me check. No. It's going to in a second.

2 Q. Okay. Let me see if I --

3 A. We do -- it's just showing the first page. It's
4 yellow.

5 Q. Right. Can you scroll to the next page or is there
6 some kind of city icon?

7 A. No, it's not moving beyond page 1. It's 135 pages.

8 (Exhibit No. 2 was marked.)

9 BY MR. MURPHY:

10 Q. Right, okay.

11 A. Yeah.

12 Q. Excuse me. I'm introducing another exhibit. Let
13 me know if you can see that exhibit. It's Exhibit
14 Number 2.

15 A. Now, where do I find this second exhibit?

16 MR. TOWNSEND: Sorry to interrupt.
17 Jyotika, if you press refresh --

18 WITNESS: Yeah.

19 MR. TOWNSEND: -- it might pop up.

20 WITNESS: Yeah, I'm trying to see if it
21 opens now. I just -- I'm trying to go back. Still just
22 turning around.

23 (Exhibit No. 2 was marked.)

24 BY MR. MURPHY:

25 Q. All right. Let me try something else here. I'm

1 going to try to share my screen so that you can see the
2 exhibit.

3 A. Actually, Exhibit 2 has come up.

4 Q. Oh, okay, great. Okay. So what I'd like you to do
5 is just flip through it for a moment. I don't expect you
6 to read every word. That's not the point. I -- my
7 question is simply: Do you recognize Exhibit Number 2?

8 A. Yes, I do.

9 Q. Okay. What is it?

10 A. This was basically a presentation to Georgetown
11 Mill to introduce ourselves of who we are at DGS and what
12 we -- what we do.

13 Q. Okay. So this presentation went through the
14 services that DGS provides to its customers?

15 A. That's correct.

16 Q. Okay. And as I understand it, the sole customer
17 was International Paper; is that right?

18 A. Yes.

19 Q. Okay. And I see the date on that first page is
20 May 24th, 2011. Is that -- does that sound accurate to
21 you, based upon having been there?

22 A. Yes. Yes, that's probably around the time I went
23 there.

24 Q. Okay. So you -- you flew in from California for
25 this presentation?

1 A. That's right.

2 Q. And it was actually conducted at the Georgetown
3 Mill itself; is that right?

4 A. Yes.

5 Q. In -- in a conference room there on the plant
6 property?

7 A. Yes, on the -- in a conference room.

8 Q. Okay. And who attended?

9 A. There were, I believe, about three people from
10 International Paper up there.

11 Q. Okay.

12 A. I'm not going to remember names. I'm000 sorry.

13 Q. That's fine. So three people from International
14 Paper, yourself, and Shiv. Anybody else?

15 A. No. It was mostly a presentation to International
16 Paper. May have been people from there. The product that
17 we were providing. I believe the product we were
18 providing, the lead person in that group will handle that
19 product.

20 Q. Okay. Does --

21 A. Probably, I -- I -- Alyssia, I think her name was,
22 but too many people.

23 (Reporter clarification.)

24 A. I think her name was Alyssia. And it may be wrong
25 too. I'm sorry.

1 BY MR. MURPHY:

2 Q. I want to make sure I understand your response.

3 Were you saying Alyssia was an IP person or
4 somebody with a prior supplier?

5 A. No, no, no. It was only International Paper. We
6 were presenting to them.

7 Q. Okay, great. All right. If you get through the
8 presentation, page 2 talks about, you know, the
9 introductions and so forth. Let me ask you: Was this a
10 joint presentation by yourself and Shiv or did one of you
11 do it?

12 A. It was joint.

13 Q. Okay. Were you responsible for any particular or
14 was it joint across the board?

15 A. We -- oh, we both spoke about, you know, similar
16 stuff. I think Shiv presented most of the items. I can't
17 remember which part I -- but it was, you know, Q and A. I
18 was happy to answer questions if I knew whether Shiv would
19 -- would come in. Like I said, this was first customer, or
20 first mill, and it was new for me too. I was trying to
21 learn the business.

22 Q. Okay. If you turn to the third slide, which is
23 entitled "Introductions"; do you see that?

24 A. Yes.

25 Q. Okay. I see both Shiv and yourself. I see you're

1 listed as a sales director. Was that one of your titles,
2 or was that, you know, synonymous with office director, or
3 office manager, excuse me?

4 A. It was all the same. Like I said, I was the only
5 person at this time in the company, so I played many hats.

6 Q. Okay. So the third gentleman that's listed there,
7 who was that?

8 A. I do not know. These were all Shiv's contacts.
9 People that he knew.

10 Q. Okay. They --

11 A. I did not have to deal with them.

12 Q. All right. They were not International Paper
13 people, correct?

14 A. No, no.

15 Q. Okay. Were they -- were they -- I -- I'm getting
16 -- I'm thinking that they were at the presentation as part
17 of the introduction, or am I mistaken in that regard?

18 A. No, they were not at the presentation. They were
19 people he introduced that he had worked with and would be
20 affiliated with our -- with our company.

21 Q. Okay. Did you ever have any contact with either of
22 those people in connection with your duties --

23 A. No, I --

24 Q. -- in that regard?

25 A. -- did not. I did not.

1 Q. Okay. I'd like you to flip in a few pages to --
2 there's a -- a map. I don't have the exact page number,
3 but it says, "DGS Current Presence"; do you see that?

4 A. Yes.

5 Q. Okay. Are you familiar with any, you know,
6 manufacturing alliances or distribution centers that are
7 outside the U.S.?

8 A. I am not aware of any.

9 Q. Okay. All right. Let's go to the next slide.
10 Tell me the significance of what that slide was. It's
11 entitled, "Wet Strengths" in your presentation.

12 A. Okay. So what do you want to know about this?

13 Q. What's the purpose of this slide as part of your
14 presentation to the IP Mill?

15 A. It's what -- what DGS would be, which is to provide
16 service to International Paper.

17 Q. Okay. Is that list of chemicals? What is that a
18 list of?

19 A. Rosin was a chemical. Westrin (phonetic) is a
20 chemical. It was all --

21 (Reporter clarification.)

22 A. So all of them I believe, no, not all chemicals,
23 because we have shredded tires, which was different from
24 chemicals, but was something we could provide the mill if
25 they needed it. Valves and pumps is something we could

1 also provide, because that comes from Shiv's background.
2 From the company he worked to previously, he would be able
3 to have suppliers for that. Cables, if they needed that.
4 Who's -- these were basically things we could provide
5 International Paper above and beyond just chemicals.

6 BY MR. MURPHY:

7 Q. Okay. And so I don't forget, do you know where
8 Shiv is located today?

9 A. Today, no, I don't know.

10 Q. Okay. So, as you pointed out, and as the first
11 page of the exhibit says, this was a presentation to the IP
12 Georgetown, South Carolina Mill.

13 Did you, as a result of this presentation, enter
14 into a contract with IP to provide any of these chemicals
15 to the Georgetown Mill?

16 A. That is correct.

17 MR. TOWNSEND: Objection, vague.

18 WITNESS: Oh.

19 BY MR. MURPHY:

20 Q. You can answer.

21 A. We provided them with wet strength.

22 Q. What is "wet strength"?

23 Okay. Have you finished your response?

24 A. Yes.

25 Q. Other than wet strength, did DGS supply the

1 Georgetown Mill with any other chemicals?

2 A. In the future, yes. And I don't remember which
3 chemical it was. But at that time, it was only wet
4 strength.

5 Q. All right. And these other chemicals that are
6 listed on this slide, were they provided to other IP mills?

7 A. Some of them, yes.

8 Q. Okay. If you would, just identify the chemicals
9 that DGS supplied to IP mills during your nine-year period
10 with DGS.

11 A. We provided Rosin. We provided sodium
12 hydrochloride.

13 Q. Any other chemicals?

14 A. Yes. We did have other chemicals as well. Sodium
15 bisulfite. I'm sorry. It's -- we -- we did provide more
16 chemicals than that.

17 Q. You just can't retrieve the names?

18 A. Yes. I'm sorry.

19 Q. Fair enough. That's fine. I understand.

20 I'd like you to flip through a little bit further.

21 There's a -- a slide about DGS operational pet source.

22 There's a reference to focus on Six Sigma implementation.

23 Did you have any involvement with that?

24 A. No.

25 Q. Okay. Keep -- keep scrolling through. There's a

1 slide entitled "Georgetown Mill Value Proposition."

2 A. Yes.

3 Q. Okay. What was the purpose of this slide in your
4 presentation to the mill?

5 A. The purpose of the slide is to let -- let the men
6 know that we -- we can understand that you cannot run out
7 of product at any time, because they cannot keep
8 manufacturing of any kind of paper. And so, that we will
9 ensure that they're always supplied with the chemicals they
10 require.

11 Q. They supply your work with DGS. Were there times
12 where IP had concerns about running out of product?

13 A. Running out of product or having it delivered on
14 time.

15 Q. Okay. So there were two concerns?

16 A. They were concern -- well, that -- that was our
17 presentation to them was that we'll always have it to you
18 on time.

19 Q. Okay. Did you follow -- did DGS follow through
20 with their actions with regards to that presentation?

21 A. Yes, we always provided on time. From my
22 understanding, we never had the products -- they did not
23 have to shut down or switch a chemical, sorry, switch a
24 product because they didn't have one of our chemicals.

25 Q. Over the nine years you worked with DGS, were there

1 times when IP praised your work, or times when, on the
2 other side, there were complaints made regarding DGS's
3 work?

4 A. As far as I know, we did not have any complaints.
5 They were happy because we used to do a monitoring system
6 which Mark used to take care of. He would know. I believe
7 IP has an -- I may get this incorrect. I believe what IP
8 has is a monitoring system where they can tell when it's
9 chemical comes to a certain level, we're ready to order.
10 And Mark would monitor that with the mills, so we always
11 have a truckload in within a few days, so they do not run
12 short of chemicals.

13 Q. Did anyone ever complain personally with regard to
14 your services from IP to Shiv? Anything like that?

15 A. Not that I'm aware of.

16 Q. Shift to the next slide that just says, "Georgetown
17 Mill's DGS offered solutions." That first bullet talks
18 about DGS providing a dedicated account manager.

19 Who was the dedicated account manager that you and
20 Shiv were speaking of in connection with his presentation?

21 A. It would either be me or Mark Allen. It ended up
22 being more Mark, who would be dealing with the mills,
23 because he would be monitoring the mills' products. And I
24 just explained. And he would be taking the orders.

25 Q. Can you give me -- I'm looking at that second

1 bullet. Why don't you read that to yourself for a second?

2 A. (Complies) Okay.

3 Q. Can you explain to me what you mean by that? What
4 is -- give me an example of that.

5 A. About the supply chain to provide the right amount
6 of product in a timely manner?

7 Q. Yes.

8 A. Yeah.

9 Q. I would like to have -- if you have an
10 International Paper specific example of how you perform
11 that service?

12 A. As I just explained, Mark -- we had a monitoring
13 system in place with International Paper. When the product
14 came to a certain level we would provide -- we would make
15 our order from our vendor to have the chemical provided
16 within the next few days.

17 Q. Okay, thank you. I have no further questions with
18 regard to that exhibit.

19 Ms. Balsara -- I apologize if I'm mispronouncing
20 your name. "Balsara," is that correct?

21 A. That is correct.

22 Q. Close enough?

23 A. Yes.

24 Q. I -- I want you to know, just in terms of this
25 procedure today, if at any time that you need a break, you

1 can definitely let me know, and we can do that. The only
2 request that I have is that if I have a pending question,
3 that, you know, that you answer the question before we do
4 that.

5 We've been going for about an hour now. That said,
6 I'm still, you know, prepared to go forward. I think the
7 videographer and the court reporter are good.

8 Do you need to take a break right now or can we
9 keep going for another half an hour?

10 A. Yeah, I wanted to find out how long, because I had
11 no idea how long has going to take, so...

12 Q. Well, I can't speak for Mr. Townsend. I'm
13 thinking, you know, somewhere -- you can't hold me to this,
14 but somewhere around 2-1/2 hours for me. And then, you
15 know, certainly, Mr. Townsend is entitled to, you know, ask
16 questions as well. So you -- you know, based upon your
17 clock, you could be, you know, looking at you know 2, 3,
18 4:00 o'clock, somewhere in that range. Obviously, we can
19 stop for lunch.

20 A. Yeah, I'm sorry. I did not plan for that, knowing
21 that it's going to take that long.

22 Q. Okay.

23 A. I do have a business that I run, and I need to get
24 back to, because I have customers waiting for me as well.

25 Is it possible to do the second part of questions

1 another day and we can have a timeframe?

2 MR. MURPHY: Nathan, I'll let you chime
3 in here for a moment.

4 MR. TOWNSEND: Well, let's -- let's see.

5 Ms. Balsara, what would be a -- A good end time for
6 you today?

7 WITNESS: Sorry? What time would be good
8 to end today?

9 MR. TOWNSEND: Yes. Is there something
10 -- is there a time period where you can't be answering
11 questions anymore? Another commitment you have to attend
12 to today at a certain time period?

13 WITNESS: Well, I can do it for the next
14 45 minutes. I really didn't plan -- I thought this would
15 be half an hour. I did not think it was going to be that
16 long. I was not given a timeframe, so...

17 MR. TOWNSEND: So, 45 minutes. But is
18 there anything today? Do you have, like, a meeting with a,
19 as I understand you run a catering business. Is there a
20 customer you need to meet today? Or is there any prior
21 commitment that you really can't cancel today? Or are you
22 just generally planning that you'd be attending to your
23 business this afternoon?

24 WITNESS: I need to -- I need to prep and
25 prepare for my customers who were going to be picking up

1 food from me in the next few hours.

2 MR. TOWNSEND: Okay. I -- I understand
3 your -- your dilemma, Ms. Balsara. 45 minutes is
4 definitely not enough time. And we can look at calendars.

5 I don't know, maybe we want to pause and go off the
6 record, Gene. Would that make sense?

7 MR. MURPHY: Yeah, that's -- that's fine.

8 Judy, and the videographer, can we suspend the
9 transcript for a moment?

10 REPORTER: You bet.

11 MR. TOWNSEND: Okay.

12 VIDEOGRAPHER: Do you want to go off the
13 record, Counsel?

14 MR. TOWNSEND: Yes, please.

15 VIDEOGRAPHER: We are -- this marks the
16 end of Media No. 1 in the deposition of Jyotika Balsara.
17 The time is 11:13 a.m. We're off the record.

18 (Off the record.)

19 VIDEOGRAPHER: This marks the beginning
20 of Media Number 2 in the deposition of Jyotika Balsara.
21 The time is 11:20 a.m. We're on the record.

22 MR. MURPHY: Okay. The -- the parties
23 realized that Ms. Balsara has a business conflict in a --
24 in short order, so she's not able to complete the
25 deposition today.

1 We have agreed to complete her deposition on
2 January 8th, starting at 7:00 a.m., California time, and
3 the goal of the parties is to complete that deposition in
4 four hours or less.

5 I think both parties reserve their rights, in case
6 anything extraordinary comes up in the testimony, but we
7 will do our best to get everything done during that
8 four-hour timeframe.

9 Mr. Townsend, anything else?

10 MR. TOWNSEND: Nothing from me. I agree
11 with you, Mr. Murphy. Thank you.

12 MR. MURPHY: Okay. And Ms. Balsara,
13 unless you've got anything else to say, thank you for, you
14 know, being here on time today. And we will send out --
15 the court reporter will send out a Zoom link, and we'll
16 reconvene on January 8th, 7:00 o'clock, your time.

17 WITNESS: Thank you so much.

18 MR. MURPHY: Okay, thank you. Happy
19 holidays.

20 REPORTER: Just one second, Peter.

21 Mr. Murphy, would you like to order?

22 MR. MURPHY: You know, eventually I'll
23 want to order. Although, I guess, let me say it this way:
24 I would like to see a dirty transcript, if you have it. If
25 I have to record it now, that's fine.

1 REPORTER: You got it.

2 MR. MURPHY: Okay.

3 REPORTER: And same thing for you,
4 Mr. Townsend?

5 MR. TOWNSEND: Yes, thank you.

6 REPORTER: Go right ahead, Peter.

7 VIDEOGRAPHER: Counsel, do you want a
8 video order as well?

9 MR. TOWNSEND: Yes, please, in standard
10 format. Whatever that is.

11 VIDEOGRAPHER: Good. Thank you.

12 And I'll conclude.

13 This concludes today's deposition of Jyotika
14 Balsara. The number of media used was two. The time is
15 11:22. We're off the record.

16 (The deposition of Jyotika Balsara,
17 Volume 1, was concluded at 11:22 a.m.)

18 (Signature was reserved.)

19

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24

25

STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions, or deletions, that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this _____ day of _____ 2024 at

_____, _____.

JYOTIKA BALSARA

C E R T I F I C A T E

STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

I, Judith A. Robinson, Certified Court Reporter and an officer of the Court under my commission as a Notary Public, in and for the State of Washington, do hereby certify that the foregoing deposition was transcribed under my direction; that the transcript of the deposition is a full, true and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of any of the parties to the action or any attorney or Counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 31st day of December 2023.



Judith A. Robinson, Notary Public
in and for the State of Washington
residing at Seattle.

My Commission expires November 4,
2024.

CCR License #2171

CASE NAME: International Paper Co v. Beazley Insurance Co
DATE OF DEPOSITION: 12/21/2023
WITNESSES' NAME: Jyotika Balsara

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES:

UNITED STATES DISTRICT COURT

International Paper Company,)
Plaintiff,)
v.) Civil Action No.
Beazley Insurance Company, Inc.,) 2:22-cv-02789-MSN-CGC
and Zurich American Insurance)
Company,)
Defendants.)

DEPOSITION OF JYOTIKA BALSARA

VOLUME 2

7:00 a.m.
January 8, 2024
Foster City, California

Reported By: Judy Robinson, CCR #2171

A P P E A R A N C E S

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I N D E X

WITNESS	EXAMINATION	PAGES
JYOTIKA BALSARA		
	BY MR. MURPHY	56-103
	BY MR. TOWNSEND	103-179

E X H I B I T S

NO.	PAGE	DESCRIPTION
Exhibit 1	72	Procurement Contract
Exhibit 2	85	May 24, 2011 PowerPoint
Exhibit 3	56	1/1/2018 Contract
Exhibit 4	106	August 25, 2018 Email
Exhibit 5	111	Job Description Document
Exhibit 6	118	10/17/2018 Email
Exhibit 7	123	8/27/2015 Email
Exhibit 8	131	11/4/2019 PowerPoint
Exhibit 9	148	8/31/2017 Email
Exhibit 10	159	11/15/2013 Letter
Exhibit 11	159	Email Attachment to Exhibit 10
Exhibit 12	165	4/9/2013 Email
Exhibit 13	165	Email Attachment to Exhibit 12,
		Excel Spreadsheet
Exhibit 14	171	2012 Tax Return

1 BE IT REMEMBERED that the deposition upon oral examination
2 of JYOTIKA BALSARA, Volume 2, was taken on January 8, 2024, at
3 7:00 a.m., at 125 South 309th Street, Federal Way, Washington,
4 98003, before Judith A. Robinson, CCR, Notary Public in and for
5 the State of Washington, residing at Federal Way, Washington.

6 Whereupon, the following proceedings were had, to-wit:

7 VIDEOGRAPHER: Good morning. We're on the record
8 at 7:06 a.m. on January 8th, 2024.

9 Please note that this deposition is being conducted
10 virtually, and the quality of the recording depends on the
11 quality of the camera and the inter -- internet connection
12 of the participants.

13 What is seen from the witness and heard on the
14 screen is what will be recorded. Audio and video recording
15 will continue to take place unless all parties agree to go
16 off the record.

17 And we have a Mary Jane Palmer coming in; is that
18 okay?

19 MR. TOWNSEND: Yes. She's a client for
20 International Paper.

21 VIDEOGRAPHER: Okay. This is Media Unit 1 of the
22 video -- video-recorded deposition of Volume 2 of Jyotika
23 Balsara in the matter of International Paper Company versus
24 Beazley Insurance Company et al., filed in the United States
25 District Court for the Western District of Tennessee, Case

1 Number 2:22-cv-02789. The location of this deposition is
2 via Zoom remote meeting.

3 My name is Terrance Weiss, representing Veritext
4 Legal Solutions, and I'm your videographer. Our court
5 reporter today is, Judy Robinson, from the firm Veritext
6 Legal Solutions.

7 I am not related to any party in this action, nor
8 am I financially interested in the outcome.

9 Counsel and everyone attending remotely will now
10 state their appearances and affiliations for the record.

11 If there are any objections to proceeding, please
12 state them at the time of your appearance, beginning with
13 the noticing attorney.

14 MR. MURPHY: Gene Murphy, noticing attorney, on
15 behalf of the defendant insurance company, Beazley Insurance
16 Company, with the law firm of Robinson & Cole.

17 MR. TOWNSEND: Good morning. This is
18 Nathan Townsend from K&L Gates. I'm representing
19 International Paper in this matter. I also have my client,
20 Mary Jane Palmer from International Paper logging in. Thank
21 you.

22 VIDEOGRAPHER: Would the court reporter please
23 swear in the witness.

24 WITNESS: Sorry. Could you say that
25 again?

* * * * *

JYOTIKA BALSARA

having been first duly sworn

on oath was examined

and testified as follows:

E X A M I N A T I O N

BY MR. MURPHY:

Q Great. Good morning, Ms. Balsara. Thank you for, you know, continuing the deposition here with us this morning. I realize it's much earlier there. You -- we appreciate your working with that in terms of the scheduling.

What I'd like to do in terms of moving on to the next exhibit is have you actually go ahead and look at Exhibit Share with regard to Exhibit No. 3.

(Exhibit No. 3 was marked.)

BY MR. MURPHY:

Can you go ahead and open up Exhibit No. 3, which you'll -- you'll see is a procurement contract.

A Okay. I have to find that now.

Q Okay. Take -- take -- take your time.

A So it's saying no account found to actually view the exhibit.

MR. TOWNSEND: Gene, it looks like you have

Exhibit 3 uploaded in a folder for December 21st, 2023.

It's possible Ms. Balsara has a link for January 8th, 2024.

1 That could be our technical issue. I do see Exhibit 3.
2 It's in the December 18th folder.

3 MR. MURPHY: Okay.

4 WITNESS: I'm unable to actually get into the
5 exhibits itself.

6 MR. MURPHY: Okay. So can you -- I guess -- can
7 you see Exhibit 3 or not? The answer is no; is that right,
8 Ms. Balsara?

9 WITNESS: No. No. I'm not even able to get into
10 the -- any exhibits.

11 MR. MURPHY: Okay. Hold on.

12 WITNESS: It says no account found.

13 MR. MURPHY: No account found.

14 MR. TOWNSEND: Ms. Balsara, is it possible when you
15 go to the web page, there's a button to access it as a
16 guest. It -- would you be able to click on that instead and
17 see if you can get in?

18 WITNESS: Yeah, I got in and it said this folder is
19 empty.

20 MR. TOWNSEND: Okay.

21 MR. MURPHY: Okay. All right. I'm going to see if
22 I can reintroduce it and focusing on today's date. Hold on
23 one second.

24 Okay. I've introduced it. Are you seeing anything
25 new? I guess that goes out to Nathan as well.

1 WITNESS: Yes.

2 MR. TOWNSEND: I see it. Thank you.

3 MR. MURPHY: Okay.

4 BY MR. MURPHY:

5 Q All right. It's marked as Exhibit 3 in terms of what
6 you're looking at, Ms. Balsara.

7 A It's still coming up. It's going to take some time.

8 Q Okay. It shouldn't be that bad. It's about a -- a
9 20-page document. Since you -- that composite exhibit from last
10 time, I'm going to go ahead and introduce it now. We don't need
11 it right now, but if it takes time to download, I want to make
12 sure it's doing that while we're addressing this exhibit.

13 A Okay. So where -- what page are we looking at?

14 Q What I'd like you to do is just take a -- just look at
15 the entire exhibit for a moment. Scroll through it.

16 My first question is simply going to be, do you
17 recognize the document?

18 A Yes, I do.

19 Q Okay. Just give me one second. I want to introduce
20 that other document so it's ready for later.

21 Okay. Great. Thank you. Tell us what this document
22 is based upon your personal knowledge and as someone who worked
23 at DGS.

24 A It's a contract between DGS and IP.

25 Q Okay. And what's the date of this particular document?

1 A Jan. 1st, 2018.

2 Q Okay.

3 A It's a five-year contract.

4 Q Okay. So I'm sorry. It's a what contract?

5 A Five-year contract.

6 Q Thank you. And do you see the -- the signatures on
7 behalf of International Paper and DGS in the contract?

8 A Oh, let me look. Yes, I do.

9 Q Okay. And I see, if you look at the fifth page of the
10 document, is that where you see the signatures?

11 A What page? Page 6?

12 Q It actually says page 5 at the bottom.

13 A Yes.

14 Q Okay. And so you see a signature there for
15 International Paper, correct?

16 A That's correct.

17 Q And the printed name under the signature is Metrick
18 Houser. Do you see that?

19 A That's correct.

20 Q During your time with DGS, did you have occasion to
21 communicate with Metrick Houser, whether it be by phone or
22 email, whatever the -- the form --

23 A No.

24 Q -- application?

25 A No.

1 Q Okay. Do you know who Metrick Houser is?

2 A No.

3 Q Okay. And I see the other signature over the printed
4 name, Shiv Kumar. Do you see that as well?

5 A That's correct.

6 Q Okay. And do you recognize that as Mr. Kumar's
7 signature?

8 A Yes.

9 Q And throughout this document -- you'll see it on that
10 page as well -- there's a stamp. Do you recognize that stamp?

11 A That's -- yes, I do.

12 Q And what's the significance of that stamp?

13 A It's just a DGS stamp --

14 Q Okay.

15 A -- that we used to put in for all official documents.

16 Q Is that something that you personally would apply?

17 A We purposely apply?

18 Q No. Did you personally -- I mean, did you literally
19 have the stamp on your desk? Did you apply it in the course of
20 your work?

21 A Yes.

22 Q Okay. And under what circumstances did you apply the
23 stamp with respect to contracts with International Paper?

24 A We just wanted a stamp with our name on it. We did
25 that for any contracts.

1 Q Okay. Other than procurement contracts, did you use
2 that stamp with regard to other correspondence or -- or
3 contracts with International Paper?

4 A I don't remember.

5 Q Okay. And -- okay. Now, this contract, do you
6 recognize this form?

7 A Yes.

8 Q Were there other contracts during your tenure -- tenure
9 that were executed between DGS and International Paper?

10 A Yes. Every time something -- a new product is
11 introduced, we would try to put it in contract, and so we would
12 have this type of contract going on with DGS -- with
13 International Paper.

14 Q Okay. And when you say a "new product," are you
15 talking about a chemical that was being supplied?

16 A A new chemical, something -- if we were trying to bid
17 on a product, and then if we did win the bid, then we'd create a
18 contract with International Paper and DGS.

19 Q Okay. And just as a reminder, just so Judy, the court
20 reporter, doesn't get mad at any one of us, please let me finish
21 my questions before you respond. I know sometimes we anticipate
22 knowing where the question's going, but she's going to have to
23 transcribe one person at a time, okay?

24 A Uh-huh.

25 Q Thank you. Okay. You see that this contract has

1 various exhibits that are referred to in the contract. Do you
2 see the first one on page 6, Exhibit A. Do you see that?

3 A Exhibit A?

4 Q Correct. It says Exhibit A Terms and Conditions at the
5 top of the page.

6 A Yes.

7 Q Okay. And I mean, I don't want to limit it to
8 Exhibit A. Earlier in your testimony you talked that you would
9 do a second read with regard to these various contracts between
10 DGS and -- and IP.

11 In case -- is this a contract that you did a second
12 read on?

13 A Possibly, yes.

14 Q Okay. Let me -- let me broaden that. Is this the type
15 of contract that you would do second reads on in connection with
16 your work at DGS?

17 A Yes.

18 Q Okay. What type of changes or edits did you make in
19 the past while you were doing these second reviews?

20 A You know, Kumar would -- would review the contracts,
21 and he asked to just see if there's something that shows out
22 that we suppose we were going to do a five-year contract,
23 suppose it showed three years, you know, it just those kind of
24 changes to see that everything is okay, that he's retained the
25 information the right.

1 Just a second read just to see that nothing blanks out
2 to me as far as maybe a rule and regulation with International
3 Paper that we need to make sure that we haven't missed out or we
4 signed up for something that we're not aware of or comes in as a
5 surprise to us. I mean, like any contract, with any -- with any
6 customer, right?

7 Q Okay. Thank you. As you scroll through this contract,
8 do you see an identification in the -- in the main contract or
9 the, you know, various attachments that identifies the chemicals
10 that DGS is supplying in accordance with the contract?

11 A Yes.

12 Q Can you direct us to that page, please, or pages?

13 A Okay. That's page 14.

14 Q Okay. Page 14, when I look at it at the top, it says
15 Attachment A Products, Prices, Program Specifications and
16 Expectation Documents; are we on the same page?

17 A Yes.

18 Q And there's a Bates number to the bottom right that
19 says DGS0001129; is that right?

20 A Yes.

21 Q Okay. So tell me what this -- this Attachment A
22 represents based upon your experience at DGS.

23 A It -- the mill is a mill that we're going to be
24 delivering the product to. The product are the product names
25 that we will be delivering to those particular mills. The

1 pricing we are offering to International Paper in the third
2 column, and the fourth one is a delivered price to International
3 Paper.

4 Q Okay. Can you be more specific? What do you mean by
5 "delivered price"? And the reason I'm asking you is, is this
6 something that's added later? I mean, how do you know it's
7 delivered at the time you sign the contract? Or maybe I'm
8 reading it the wrong way.

9 A Delivered price means that we're going to -- we -- the
10 price of delivery is incorporated in this pricing.
11 International Paper will not be paying a separate delivery fee.

12 Q I see. Okay. I see. Based upon your earlier
13 deposition, I see reference, you know, right there at the very
14 top to sodium hypochlorite, which is one of the chemicals that
15 you had shared with us that DGS supplied to International Paper.
16 That's consistent with your past testimony, correct?

17 A Yes.

18 Q Okay. And now -- and you had identified some others.
19 I'm just -- generally, I have notes here. You spoke about rosin
20 size. You spoke about wet strength resins. When you look at
21 this list, do any of those chemicals -- are those listed here as
22 well in addition to the sodium hypochloride?

23 A So I'm not sure. Trust me. It's been many years, so
24 whether the sosperse is a wet strength, I'm not sure.

25 REPORTER: Hold on. Sosperse?

1 WITNESS: Yes. S-O-S-P-E-R-S-E.

2 REPORTER: Thank you.

3 BY MR. MURPHY:

4 Q Okay. I -- I should point out -- and I apologize for
5 interrupting, but the third page does have a specific reference
6 to wet strength, so you know.

7 A Oh, yes, I -- I did see -- okay. I see that. They do
8 have wet strength. They have wet strength resin. So they do
9 have resin. They have ASA. They have rosin in Valliant. So we
10 do have some of the products I mentioned.

11 Q Okay. And part of the reason I was asking a question
12 is, you know, maybe some of these names, you know, fall into the
13 category of, you know, what you had previously identified. I
14 don't know, but let me withdraw that and just simply say these
15 -- this -- this sosperse that I'm looking at, the first page,
16 going to the Mansfield Mill. Is it your understanding that --
17 that DGS supplied that chemical to the Mansfield Mill?

18 A If it's -- if it's on the contract, and we won the
19 contract, then -- oh, well, this was an agreement, and yes, we
20 supplied it.

21 Q Okay. So it's your general understanding that each of
22 the products identified on this Attachment A, which is a
23 three-page document, were supplied to International Paper; is
24 that right?

25 A That is correct.

1 Q Okay. And looking at the -- if you look at the page
2 15, Bates stamped at the bottom right of DGS1130, there's
3 reference to nitric acid going to the Eastover Mill. Do you see
4 that?

5 A Yes.

6 Q And I -- I've seen some other correspondence relating
7 to nitric acid. Is that one of the chemicals that, you know,
8 you have experience with supplying to International Paper?

9 A I believe so, yes.

10 Q Okay. And obviously, there are multiple plants
11 identified on this Attachment A, but your understanding is that
12 these particular products were supplied to those particular IP
13 mills; is that right?

14 A Yes, it was.

15 Q Okay. And on page 2 there's a reference to Georgetown.
16 That's the facility -- the -- the mill that you personally
17 visited; correct?

18 A That's correct.

19 Q When you look at this list of mills, does that refresh
20 your memory as to other mills that you visited? You said that
21 there were at least two, but you weren't sure about other name.

22 A I think it was Mansfield.

23 Q Okay. What was the purpose of the Mansfield visit, if
24 you recall?

25 A Oh, that was a long time back. It was probably to

1 introduce ourselves and show who we are, and you know, there are
2 people that exist from DGS because it would normally be
3 telephone conversations, and if there are any -- to let them
4 know that if we -- more like a sales pitch, that if they had any
5 other products they wanted to outsource with DGS, then you know,
6 we're out there to help them.

7 Q Okay. And where was -- what state was Mansfield
8 located in?

9 A Oh, I don't know. I don't remember that.

10 Q Okay. Fair enough. Valliant seems to come up quite a
11 bit in the correspondence. Are you familiar with that mill?

12 A Yes, I am.

13 REPORTER: Reporter clarification, Valliant?

14 MR. MURPHY: Valliant is V-A-L-L-I-A-N-T.

15 REPORTER: Okay. Thanks.

16 BY MR. MURPHY:

17 Q Did you have -- if you scroll through to page 17, you
18 see there's an exhibit sheet, consignment agreement?

19 A Page 17? Yep.

20 Q The Bates No. Is DGS1132 in the bottom right-hand
21 corner.

22 A Yes.

23 Q My question simply is: Did you have any particular
24 involvement in the implementation or services in the connection
25 with this consignment agreement?

1 MR. TOWNSEND: Objection to form.

2 BY MR. MURPHY:

3 Q Let me withdraw and just say it this way, Ms. Balsara:
4 What did you do in connection with the consignment agreement
5 while you were at GDS [sic]?

6 A You know, we had someone else who actually made sure
7 that the deliveries took place. I was doing more the accounting
8 side at this point.

9 Q Okay.

10 A It was accounts receivable and payable.

11 Q Right. And when you say "at this point," you're
12 talking about 2018 which is the date of this contract?

13 A Correct.

14 Q Okay. And that's the gentleman Mark Allen that you
15 identified earlier?

16 A Yes.

17 Q Okay. Turn to the last page of this Exhibit No. 3.
18 Can you identify what that document represents?

19 A So we're talking about page number 20?

20 Q No. It's the page after that. It's the bottom
21 right-hand corner is Bates No. DGS0001136.

22 A Right. So this would be similar to what we have in the
23 previous exhibit. It's showing the mills. The -- I believe it
24 was maybe the product numbers and the pricing.

25 Q Did you generate this document?

1 A If I remember correctly, we got this from International
2 Paper, but I -- I -- I would have reviewed it, but I don't --
3 and added onto it, maybe some other product numbers.

4 Q Uh-huh.

5 A But whether I actually generated it, I don't remember
6 that.

7 Q All right. Do you see there's column to the right?
8 It's actually the third column from the right. It's entitled,
9 Contract Length, Comments, Mini SE is one with three. I think
10 it says Qualified Bidders, but I'm focused on the column. Do
11 you see that column? It says Mini SE in yellow bar there.

12 A Okay.

13 Q And as you scroll down, there's a number of references
14 to the annual review. Can you tell us what the annual review
15 was?

16 A I'm assuming that it would be reviewed annually for
17 that particular product.

18 Q Okay.

19 A I'm assuming that. I -- I'm not sure.

20 Q All right. And that's why we -- we don't want you to
21 guess. So if you don't know --

22 A I don't know.

23 Q -- is a fair answer. Okay.

24 A I don't know.

25 Q If you scroll down that same column, there's a

1 reference to a trial chemical.

2 A Uh-huh.

3 Q It's in the same row as this chemical identified as
4 neuroz N850P bulk. For the court reporter, neuroz is spelled
5 N-E-U-R-O-Z. Do you see --

6 A Neuroz, uh-huh.

7 Q Can you tell us what that means, the reference to trial
8 chemical in connection with the entry for neuroz?

9 A So it was a product that we asked International Paper
10 to try out, and if it works out, then we could be a provider --

11 Q Okay.

12 A -- for that chemical.

13 Q Do you know -- again, I know it's been a while --
14 whether or not that particular chemical worked out for IP and
15 that --

16 A I do not.

17 Q Okay. Fair enough. Did you -- and I -- I appreciate
18 your letting us know about, you know, where this particular
19 document came from based upon your testimony.

20 With regard to the rest of the contract and its
21 attachments, was that generated by DGS or you, or was that
22 provided by International Paper, if you know?

23 A It was generated to the ones especially in the Word
24 document and the pricing we previously went through, I generated
25 those.

1 REPORTER: Reporter clarification. In the what --

2 WITNESS: Attachment A.

3 REPORTER: Hold on. In the wood document or the
4 where document you just said?

5 WITNESS: So Attachment A --

6 REPORTER: Hold you. You just said the wood
7 document --

8 WITNESS: Word document.

9 REPORTER: Word document. Okay. Excuse me. Go
10 ahead.

11 A Yes, Attachment A is what I generated.

12 BY MR. MURPHY:

13 Q Okay. And just so we're clear, that's the Attachment A
14 that you testified about earlier which is on page 14, Bates No.
15 DGS0001129, correct?

16 A Yes.

17 Q Okay. And in this exhibit, that's a three-page
18 document. It goes from page 14 to page 16, correct?

19 A Correct.

20 Q Okay. And where did you get the information that
21 permitted you to generate these -- this three-page chart in
22 Attachment A?

23 A I was in charge of the accounts receivable and payable,
24 and so I had pricing, and so I would just generate the document
25 from the pricing we had or what we're going to be offering.

1 Mr. Kumar would -- would provide me with a price, and I would
2 just put it in to the document.

3 Q Okay. And did you -- for example, did you have actual
4 invoices or purchase orders, some kind of other documentation to
5 support what you generated here?

6 A We had everything on QuickBooks.

7 Q Have you ever had an experience where a mill called up
8 and say, Hey, we've contracted for this chemical. We haven't
9 gotten it. When are you going to deliver it? Did that ever
10 take place?

11 A No. Never have I had that experience.

12 Q Okay. Thank you. No further questions with regard to
13 that document.

14 (Exhibit No. 1 was marked.)

15 BY MR. MURPHY:

16 Take a look now and see if you can see Exhibit 1.

17 A (Complies.)

18 Q I should point out that that is a composite exhibit.
19 It's approximately 135 pages. Obviously, I'm not going to be
20 asking you to read every page.

21 But the first question is simply can -- well, can you
22 see it on Exhibit Share?

23 A Not yet.

24 Q Hm. All right. Bear with me one minute. I'm going to
25 maybe try something else. Bear with me.

1 A Uh-huh.

2 Q Okay. I'm going to screen share Exhibit No. 1 with
3 you. So first just let me know if you can see a document on the
4 screen right now.

5 A Yes.

6 Q Okay. Can you read it, or should I blow it up?

7 A No, it's good.

8 Q Okay.

9 MR. MURPHY: Can everybody else see it?

10 MR. TOWNSEND: Yes.

11 MR. MURPHY: Okay. All right. For the record, the
12 questions that I'm addressing now are with respect to
13 Exhibit No. 3, which appears to be in the process of
14 downloading to Exhibit Share.

15 It's 135-page composite exhibit, and it's a
16 collection of various emails and correspondence involving
17 Ms. Balsara and others. And just in terms of timeframe,
18 there are emails as early as -- this one that we see on the
19 screen, June 13th, 2011, and they go up to December of 2019.
20 That's just by way of identification for the record.

21 BY MR. MURPHY:

22 Q Ms. Balsara, my first question -- you had earlier
23 testified about, you know, when you had started. Clearly based
24 upon this exhibit, you were working with DGS as of June 13th,
25 2011, correct?

1 A Yes.

2 Q Any idea if you were working there a couple of months
3 beforehand, having seen this document? And again, don't
4 speculate. I just want to ask to see if this refreshes your
5 memory in any way.

6 A Actually, it does not.

7 Q Okay. So this particular email is from yourself to
8 Shiv Kumar, correct?

9 A Yes.

10 Q And what is it regarding?

11 A I'm going to assume this; I'm not 100 percent sure. He
12 had asked me to make inquiries about the product from suppliers,
13 and maybe this is the feedback from what I received.

14 Q Okay. Specifically the subject line says "Sodium
15 Bisulfite." Do you see that?

16 A Yes.

17 Q Is it your understanding that DGS provided sodium
18 bisulfite to International -- excuse me -- yes, to International
19 Paper?

20 A Yes, we did.

21 Q Okay. To multiple mills or to one in particular?

22 A I know to Courtland Mill. It could have been multiple.
23 I'm not sure.

24 Q And I see this email has an O, that should be
25 Courtland.

1 A Yeah, Courtland. Yeah.

2 Q Okay. Which is located in Alabama; is that right?

3 A Right.

4 Q What's the significance of the question about whether
5 or not the product can be provided in a liquid form?

6 A Or in a -- in a powder form and then the mill has to
7 mix it themselves.

8 Q Okay. So did certain mills require it in a liquid
9 form? What -- what was the normal experience there in terms of
10 making sure you supplied the mill properly?

11 A As far as I know, we -- we did supply everything in the
12 liquid form.

13 Q And it's your understanding that that would eliminated
14 the need for the mill to do the mixing themselves?

15 A Correct.

16 Q Were there times when suppliers offered you the option
17 of a powdered form, you know, as maybe a -- a pricing advantage?
18 Anything of that nature?

19 A I do not remember that.

20 Q Okay. I'm going to scroll forward.

21 Do you recognize this email?

22 A I mean, I wrote it, but I don't know the details of it.

23 Q Okay. Can you just tell us what an MSDS sheet is?

24 A An MSDS is a sheet that actually tells you what the
25 product is all about. I mean, what -- what it contains in the

1 product.

2 Q Okay.

3 A What type of chemicals are in there; how it's made.

4 Q Okay. Is that an acronym for -- well, I take it back.
5 I thought I remembered it. I want to say material safety data
6 sheet, but I'm not sure. Do you know what the acronym stands
7 for?

8 A Yeah, I think it is material safety data sheet.

9 REPORTER: I'm sorry, what?

10 WITNESS: Safety date sheet.

11 BY MR. MURPHY:

12 Q And the subject here is "DGS MSDS-Echo Clean." Can you
13 tell me what the significance of Echo Clean is in that email?

14 A Echo Clean was, I believe, one of the mills. This was
15 to provide eco-friendly material to cleanup some of the
16 machinery because the -- the mills would do an annual -- what do
17 you call this? Annual cleaning of their -- of their machinery,
18 and so it's something that we would provide an eco-friendly
19 material before they clean it.

20 Q Okay. So that was something separate and apart from
21 the chemicals themselves that you supplied to the IP mill; is
22 that right?

23 A That's correct.

24 Q Did you do that for more than one mill?

25 A I know we did it for one mill, and it could have been

1 Franklin Mill, but I'm not sure whether we did it for other
2 mills as well.

3 Q I see your emails is to Emmett Parker at International
4 Paper. Do you associate him with a particular mill?

5 A No. I -- I don't. I don't even remember who he is.

6 Q Okay. Fair enough. I've moved on to what's Bates
7 stamped DGS0002320. Do you see that?

8 A Uh-huh.

9 Q And as you can see at the top, it's an email from
10 Fred McGee on January 24th, 2013, to yourself; do you see that?

11 A Yes.

12 Q Can you tell me who Fred McGee is?

13 A I don't know.

14 Q How about -- there's a cc to Amy Richardson; do you
15 know who that is?

16 A Amy Richardson? No. All I see here is Fred is saying
17 he was a purchasing manager, and that's probably who he was.

18 Q Okay. You're referring to Fred McGee?

19 A Yes.

20 Q Okay. And by that you're -- you're looking at his
21 signature block in the email that he sent?

22 A That's correct. Yes.

23 Q Okay. It says Courtland Mill after that; do you see
24 that?

25 A Courtland Mill, yes.

1 Q Okay. Did -- based upon your experience, did DGS
2 supply ASA and hypochlorite to the Courtland mill?

3 A Yes, we did.

4 REPORTER: I'm sorry. Is that "hydrochloride" or
5 "hypochloride"?

6 WITNESS: "Hypo."

7 MR. MURPHY: "Hypo."

8 REPORTER: Thank you.

9 BY MR. MURPHY:

10 Q And ASA is a chemical different from hypochlorite,
11 correct?

12 A Two different chemicals.

13 Q Okay. Did you provide hypochlorite to mills other
14 than -- strike that.

15 Did DGS, based upon your experience, provide
16 hypochlorite to other mills other than the Courtland mill?

17 A Yes, we did.

18 Q Approximately how many mills did you supply IP with
19 hypochlorite?

20 A I have no idea, but the Exhibit A that we've seen
21 previously would probably give you a good idea.

22 Q Okay. So if I refer --

23 A It was a popular product, though.

24 Q It was a popular product?

25 A Yes.

1 Q Okay. So, for example, I'm seeing references to sodium
2 hypochlorite going to various mills: Orange, Rome, Franklin,
3 Riverdale, Campti, Mansfield, Vicksburg. Does that sound
4 accurate to you?

5 A That sounds right.

6 Q Okay. What about ASA? Was that provided to other IP
7 mills other than the Courtland mill?

8 A Yes.

9 Q Approximately how many?

10 A Same thing. The Exhibit A would say it. I don't know
11 what -- many mills. It was also another popular product.

12 Q Okay. So at this point in time, we're talking January
13 of 2013, you've been with DGS for about a year and a half, two
14 years; is that right?

15 A Yes.

16 Q Let's go to the next correspondence.

17 So we're clear for the record, we're looking at Bates
18 No. DGS0006178.

19 Do you recognize this email, Ms. Balsara?

20 A Let me read it. I'm not sure. I mean, I'm not -- it's
21 been a long time, but this is probably when we were taking over
22 the product.

23 Q Okay. Let me ask you, you know, apart from the email
24 itself, just based upon your experience, did DGS, you know,
25 handle bleach business, bleach supply delivery activities to IP?

1 A Yes, we did.

2 Q Okay. And here it's specific to Courtland and Selma,
3 Riverdale; is that consistent with your memory?

4 A Yes.

5 Q Were there other mills that DGS provided or supplied
6 bleach to various IP mills?

7 A We provided to many mills. I do not remember the names
8 of them.

9 Q This says from Tom Rice. Let me just ask you do you --
10 do you recognized that name? Do you remember Tom Rice?

11 A I remember the name Tom Rice, but yes, it's from Olin.

12 REPORTER: I'm sorry. From where?

13 WITNESS: Olin.

14 MR. MURPHY: O-L-I-N.

15 BY MR. MURPHY:

16 Q Can you tell us, you know, who Olin was in the context
17 of the supply operations that DGS was involved with for IP?

18 A Olin was one of our suppliers.

19 Q Okay. Meaning, one of DGS's suppliers?

20 A Yes. That's correct.

21 Q Did they supply other chemicals other than bleach?

22 A No. I believe it was just bleach, but not 100 percent
23 sure.

24 Q Did DGS obtain bleach from any competitor suppliers as
25 well?

1 A We could have. We would look at the radius of a mill,
2 and if we had a supplier nearby -- like Olin may have had
3 facilities nearby, then that's where we would have that product
4 delivered to that particular mill.

5 If, of course, Olin was not spread all over, we'd find
6 other vendors to provide the products to International Paper.

7 Q Stepping away from this particular document for a
8 moment, I'm looking at some other correspondence, and I'm trying
9 to expedite this a little bit by not showing you everything, but
10 if you have questions, we can go through it.

11 Were there times when, you know, you had an opportunity
12 to correct invoices in connection with either review from
13 suppliers or invoices that were provided to IP? Was that part
14 of your job?

15 A If there was a mistake on pricing? Is that what you're
16 asking?

17 Q Yes.

18 A Yes, I would -- I would let either mill know or my
19 supplier know that there was incorrect pricing. This would
20 generally happen when there was a switch in pricing.

21 Q So part of your job was to monitor the pricing to make
22 sure that it was corrected both on the supply side and the IP
23 side?

24 A That's correct. I mean, that's part of accounts
25 receivable and payable.

1 Q And that would include, for example, if there was a tax
2 added that shouldn't have been added, that's something you can
3 correct?

4 A Yes.

5 Q I'm talking about, for example, a sales tax that might
6 not have been appropriate?

7 A Correct.

8 Q Okay. There's correspondence about processing
9 nondisclosure agreements. In particular, this one refers to a
10 Nalco NDA. Did you have involvement with that?

11 REPORTER: Clarification. Nalco?

12 MR. MURPHY: Oh, it's Nalco, which is N-A-L-C-O.

13 A Yes. I would review like the second part of the
14 contract that would be going out to either supplier or to
15 International Paper.

16 BY MR. MURPHY:

17 Q Okay. And for the record -- I don't know if I
18 confirmed this with you earlier.

19 Can you just identify Nalco, what Nalco was in
20 connection with the DGS business?

21 A They were one of our suppliers.

22 Q Were they a significant supplier in terms of volume?

23 A Yes.

24 Q And what do you mean by that?

25 A I mean they provided products in different mills for

1 us.

2 Q Okay. More than ten mills?

3 A Oh, I don't know.

4 Q Okay. Did they provide multiple chemicals as well?

5 A I believe they did.

6 Q Based upon your experience, can you identify any of the
7 chemicals that Nalco provided to DGS as part of the supply chain
8 operation to International Paper?

9 A No, I don't remember.

10 Q Okay. Is there somebody that -- at IP named Bob that
11 you had work with in connection with nondisclosure agreements?

12 A I do not remember.

13 Q Okay. Okay. Let me scroll forward. I'm sharing with
14 you a document which I can't see the Bates No. There it is.
15 DGS002148.

16 My first question is: Do you recognize this document?

17 A No.

18 Q Okay. Let's just go through the -- the details at the
19 top for a moment. This is from Gunars J. Dzenis from gapac.com.
20 Or I should say gapac.com. Do you know what that email address,
21 meaning the domain represents, what company that is?

22 A I believe that should be Georgia Pacific.

23 Q Okay. Do you know or you're not sure?

24 A Georgia Pacific.

25 Q Okay. Did you ever -- understanding you may not

1 remember the document, did you -- do you remember having contact
2 with this particular individual at Georgia Pacific?

3 A Yes, the name sounds familiar.

4 Q Okay. The subject line here is "Delay this shipment."
5 You know, having read this document -- and if you need more
6 time, that's fine -- you know, what -- how did DGS participate
7 or assist in connection with any shipment delays as part of the
8 supply chain operations?

9 A So if the mill needed a product to be delayed, right,
10 they did not -- one of the reasons -- I think the only reason
11 they want it delayed is because they still -- they did not have
12 enough space in their tanker to -- in their tanker to put it in,
13 to fill up, then they'll ask for a delay for a few days.

14 Q Okay.

15 A Which means we need to contact our supplier and ask for
16 a -- as for a delay.

17 Q Does that activity fold in with your previous testimony
18 about some of the monitoring services that DGS provide --
19 provided IP?

20 A So as I mentioned, our previous call in December, this
21 was the beginning, and I would -- we were still very small with
22 International Paper, and I would be taking -- playing in
23 different roles.

24 Q So --

25 A Especially in that 2013 time. 2018 was more accounts

1 receivable and payable and making sure because we had a lot more
2 products. But at this time I was playing different roles.

3 Q Okay. So this monitoring role, ensuring that, you
4 know, the right amount of chemical was available for the mill
5 when needed, was taken over by Mark Allen at some point in time;
6 is that right.

7 A That's correct.

8 MR. TOWNSEND: Object to form. Foundation -- lacks
9 foundation. Sorry to interrupt.

10 (Exhibit No. 2 was marked.)

11 BY MR. MURPHY:

12 Q Go ahead. You can finish your response.

13 A Yeah. I was mostly cc'd on a lot of these -- these
14 emails.

15 Q Uh-huh.

16 A Because when it started off, it was with correspondence
17 between either Shiv and myself or the mill or the suppliers till
18 Mark Allen got used to -- or familiar with the products and how
19 to do things. I was cc'd on a lot of emails, but not
20 necessarily I had involvement in them.

21 Q Okay. On this particular one, you weren't cc'd. It
22 was directed to you and Shiv together, correct?

23 A Well, he's -- he's got it to everyone, right? There's
24 no cc, so...

25 Q Who's Mallen?

1 A Sorry?

2 Q What -- the -- the other email at the end there of the
3 "to" line is Mallen@diversifiedglobalsourcing.com --

4 A That's Mark Allen.

5 Q That's Mark Allen. So Mark was already on board as of
6 April 2013; is that right?

7 A Correct.

8 Q Okay. Do you remember Dawn Wheeler from the Texarkana
9 Mill?

10 A No.

11 Q I have up on the screen a three-page email chain. It
12 starts out at DGS15902, then it goes to 15904?

13 Does this -- take a moment and tell me when you need me
14 to scroll to that last page. Does this refresh your memory at
15 all as to who Dawn Wheeler was?

16 A Well, looking at the title, it was someone that would
17 be in charge of new products or child parts.

18 Q Okay.

19 A That's the only recollection I have.

20 Q All right. And then let me -- let me pull you away
21 from the document and just ask you, was there a particular
22 person that you, on behalf of DGS, dealt with in connection with
23 any trial chemicals that you were proposing to IP?

24 A Shiv Kumar would deal with that.

25 Q Okay. I see here, certainly a particular part of the

1 email where Dawn is asking you for the specific gravity of a
2 chemical; is that something that you would typically respond to?

3 A I would, especially in the beginning, like I said,
4 2013. And I'm looking at this. It was a new product we were
5 trying to introduce, and then we'd -- I would go back to a
6 supplier and ask them these questions.

7 Q And this particular chemical that's the subject of this
8 email chain is sulfamic acid.

9 For the court reporter, that's S-U-L-F-A-M-I-C.

10 Is that right?

11 A Yes.

12 Q My question -- and you -- you may not remember. If
13 not, that's just -- that's fine.

14 Did DGS ultimately supply IP with sulfamic acid?

15 A I don't think so.

16 Q Okay.

17 A But not 100 percent.

18 Q Last time we went through a PowerPoint presentation
19 related to the Georgetown Mill. Here there's reference to
20 another PowerPoint at the Valliant mill, right?

21 I have two questions. The first is, does this refresh
22 your memory at all as to another mill that you may have visited?

23 A I don't think so. I -- I don't remember. I'm sorry.

24 Q That's fine. Did you prepare this particular
25 PowerPoint that's referred to in this email?

1 A I -- I would have helped in the process. I mean, it
2 was -- it was pretty generic PowerPoint, and we just made
3 changes here and there depending on the mill and the product.

4 Q Right. And I -- I know you can refer me to the -- in
5 the Exhibit 3 and the -- the chemical listing attachment, but
6 from your personal experience and what you can tap into for your
7 memory, can you tell us what chemicals DGS supplied the Valliant
8 mill with?

9 A Probably hypochlorite. I know there were a few other
10 products. I'm sorry. I do not remember.

11 Q Fair enough. Okay. Take a moment to take -- to review
12 this document. This is DGS0003567. And tell me when you're
13 ready to proceed.

14 Okay. This is another example where you're working
15 with the mill and the supplier to monitor the delivery times; is
16 that right?

17 A Yes.

18 Q And specifically this email reference to delivery to
19 the Campti IP mill; is that right?

20 A To the Campti, yes.

21 Q For the court reporter, that's C-A-M-P-T-I.

22 REPORTER: Thank you.

23 BY MR. MURPHY:

24 Q And I see this email is to you and others. It's really
25 to you and Shiv with some other copies. But it's from Ray

1 Boudreaux, if I'm pronouncing that correctly. Can you help me
2 understand who Brenntag.com is, that company?

3 A Our supplier.

4 Q Okay. And obviously, they supply bleach, correct?

5 A Correct.

6 Q Any other chemicals?

7 A They could have, but I don't remember which one.

8 Q Do you remember Ray Boudreaux?

9 A So I remember, yes, speaking to him or corresponding
10 with him.

11 Q Is he -- as you read through this email, I'm focused on
12 the third paragraph, in particular. I'll just read it into the
13 record for a moment. It says: "Also, if we ship a full load to
14 Campti, it would be helpful if the (inaudible) cannot take the
15 full load, the balance can be used at the other locations in the
16 mill. This will prevent any extra" --

17 A Freight charges.

18 Q It says "FTT." The witness has clarified that's
19 freight charges for returning material.

20 What was the benefit there? What were -- what were you
21 and Ray Boudreaux trying to accomplish?

22 A That when the mill required a product, when we sent in
23 a full tanker truck, that it will -- they will be able to
24 offload the entire truck at the mill.

25 Sometimes a mill may not need a full truck for a

1 particular tanker, but they -- we were asking that they could --
2 he was asking if they do use it at a -- at another location in
3 the mill just so that it avoids sending half a trunk -- half a
4 truck back or a quarter truck back, and that's when these
5 freight charges to return some of the product.

6 Q Right. So if I understand your testimony, if they
7 don't drop off the full load, then that may necessitate another
8 truck coming out for an additional trip; is that right?

9 A That truck that they just dropped off would be
10 returning with part of product. If they did not take the full
11 load, there will be a freight damage to return because the
12 freight company is going to charge again for return.

13 Q Okay. IP -- let me just ask you, if the truck drops
14 off half the load, does IP get charged for the whole load or
15 just the half that was dropped off?

16 A In my knowledge, it was never half a load. It was
17 always when they needed a full truck.

18 Q Okay. And under this circumstance in this email, it
19 looks like it -- you know, did that not the full load, that it
20 couldn't -- it didn't have the capacity to take it at that
21 particular location of mill; is that right?

22 MR. TOWNSEND: Objection. Calls for speculation.

23 BY MR. MURPHY:

24 Q You can answer, Ms. Balsara.

25 A Yeah, I think that's more speculation. It's just

1 trying to -- it's -- it's not to say that we don't -- that we're
2 providing -- they wanted just half the load. It's just saying
3 that if they have a problem with taking the entire truck at one
4 time, they could try to put it into other areas of the mill.

5 Q Okay. And what's the benefit putting it into those
6 other areas?

7 A So that there's no freight charges and return charges,
8 or returning of the product in the few days leading to the same
9 you need more of the same product.

10 Q Okay. Thank you. I'm looking at one email, Soto
11 product prices. That's S-O-T-O. Do you know what Soto product
12 prices are?

13 A Soto was one of our suppliers.

14 Q Okay. And generally what products did they supply?

15 A Maybe sosperse.

16 REPORTER: I'm sorry. Say it again.

17 WITNESS: Sosperse. S-O-S-P-E-R-S-E, I think.

18 BY MR. MURPHY:

19 Q Take a look at this email in connection with Soto
20 product prices. My main question is: Do you remember
21 Jim Rettinger?

22 A Jim, yes.

23 Q Okay. And you said that Soto was one of your
24 suppliers. Is it more specific to say Kemira was one of your
25 suppliers?

1 A Yes. So, I believe, Soto was taken over by Kemira.

2 Q Okay. So prior to -- was DGS supplying Soto products
3 to IP prior to the Kemira takeover?

4 A I do not know that.

5 REPORTER: And clarification, Kemira?

6 WITNESS: K-E-M-I-R-A.

7 BY MR. MURPHY:

8 Q Okay. The next email, DGS17226, that's an email from
9 Clare Neatherway from IP paper. From -- it says ipaper.com to
10 various parties on December 22, 2015. Do you recognize this
11 email, Ms. Balsara?

12 A No.

13 Q Okay. Was there a particular software or payment
14 processing system that DGS worked with?

15 A I'm sorry. Let me just read this and see.

16 I'm not sure whether this was the time when
17 International Paper had started a new software system where we
18 needed to -- I thought it was SAP. When we needed to upload our
19 invoices there directly.

20 Q Okay. As part of your many hats address, you know,
21 accounts receivable, accounts payable, you would have
22 coordinated this effort with IP?

23 A Yes, because it was -- it was about accounts payable.

24 Q Okay.

25 A When they introduced a new software to -- where we need

1 to start providing our invoices to International Paper.

2 Q Did that happen on occasion that IP said we're going
3 to, you know, start using a different software --

4 A Yes.

5 Q -- so update your systems accordingly?

6 A Yes. They started a new system where we needed to
7 upload our invoices in -- I think it was SAP. And then they
8 switched to something else again, I believe. And so we had to
9 just go with the flow. It was not mailing the invoices anymore,
10 but uploading them in a particular system.

11 Q Got it. I've got a new document up on the screen.
12 This is part of Exhibit 1, the composite exhibit. This is Bates
13 stamped DGS16724 through 16725.

14 The second page, there's not that much on it. I'm just
15 going to show you that, the end, the reference to Nalco and
16 Ecobad Company.

17 My first question is more general. Did -- you don't
18 even need to see this email. What was your understanding of
19 International Paper's diversity supplier program?

20 A As far as I knew, that they would be getting a tax
21 credit when they worked with minorities, minority companies.

22 Q Okay. And what's the source of your information on
23 that?

24 A That was Shiv Kumar.

25 Q Okay. Did you have any other understanding as to what

1 benefits IP would gain by involving diversity suppliers?

2 A Well, any information I got was through Shiv when it
3 came to -- when it comes to diversity program. He had mentioned
4 that IP would benefit through the government for tax credits if
5 they work with minorities, and we were a minority company.

6 Q And what's your understanding as to why it was DGS
7 qualified as a minority company?

8 A It was, I believe -- it was, I believe, it was
9 ethnicity.

10 Q Okay. And what specific ethnic group are you referring
11 to?

12 A Shiv Kumar.

13 Q Can you be more specific?

14 A Him being an Indian.

15 Q What about Mid South? Did Mid South qualify for the
16 IP's diverse supplier program?

17 A Yes, they did.

18 Q And what was the basis for that qualification?

19 A It's the same diversity program. Shiv Kumar is the
20 owner, so...

21 Q Looking at this exhibit that I just shared on the
22 screen, I see you're sending a minority certification.

23 Is that something that you prepared?

24 A I don't prepare the minority certification. This comes
25 from the minority certification of -- that we needed to update

1 every two years, I believe, and so we always applied for it, and
2 that's when we got it. You know, companies like Nalco would ask
3 for our certification to make sure we still certified as a
4 minority company, and we would provide the certification.

5 Q So when you say you applied for it, where did DGS
6 submit its application for a minority certification?

7 A Oh, it may have been the state of Tennessee. I can't
8 remember. I mean, I have to go through a lot of emails to see
9 those things. I'm sorry.

10 Q No, that's fine. Was that something that you
11 specifically applied for on behalf of DGS?

12 A Yes.

13 Q Did you do the same thing for Mid South?

14 A I don't remember doing it for Mid South. I can't
15 remember that. I didn't have to much involvement with Mid
16 South. Very little.

17 Q Okay. You weren't sure if it was Tennessee. Let me
18 just ask, was it -- was it a governmental website that you
19 processed these --

20 A Yes. Governmental --

21 Q Application.

22 A Governmental site.

23 REPORTER: Hold on. Didn't get your question. Can
24 you please repeat your question? That you processed these?

25 WITNESS: He asked if it was a governmental site.

1 BY MR. MURPHY:

2 Q All right. Thank you, both. And I'm sometimes guilty
3 of that as well. Let me just put the question on the record so
4 it's clear. Ms. Balsara, you can answer again.

5 Was it a governmental website that you processed the
6 minority certification application with?

7 A Yes, it was.

8 Q Thank you. Joshua Harden with Premier, do you know
9 that name?

10 A Yes.

11 Q Did you correspond with Joshua in connection with DGS's
12 supplying IP with various chemicals?

13 A Yes.

14 Q Would it surprise you to know that Joshua sent you an
15 email at one point saying, quote, "We need to build a little
16 inventory so that we don't run out -- run them out of the
17 product." Is that a common request?

18 A Not common because we -- we always -- since we had the
19 monitoring system Mark would monitor, we always have products
20 there on time.

21 Q Okay. Just take a moment to look at this email. We're
22 looking at Bates stamp No. DGS2922.

23 A Okay.

24 Q Okay. Were you -- would you agree with me that this
25 email is part of the DGS effort to, you know, monitor the level

1 of chemicals that are at the various mills?

2 A Yes.

3 Q Again, I'm trying to speed this up a little bit. Let
4 me just do a stop share for a moment, and what I'm going to do
5 consistent with the videographer's request, I'm going to take a
6 break here at about 11:30. That's seven minutes away. Does
7 that work for you, Ms. Balsara?

8 A Yes.

9 Q Okay.

10 A Are you almost rounding up with your questions because
11 did say hour and a half for yourself.

12 Q Yeah. I think I said an hour and a half or so, but
13 yes, I'm trying to -- that's why I'm not showing you some other
14 exhibits right now. So I'm going to, you know, finish up
15 shortly. But I'm going to need probably another 15 minutes
16 after the break, and then I'm going to defer to Mr. Townsend.

17 Were there times when DGS was involved with the change
18 of specifications for particular chemicals?

19 A I don't remember that. That would be more of a Shiv
20 Kumar involvement. Like I say, I'm not someone that understands
21 the chemical to what the MSDS would say. I may be included in
22 some of the correspondence, but I don't know the actual chemical
23 as far as what goes into it.

24 Q Ms. Balsara, take a moment to look at this document
25 which is part of Exhibit No. 1; DGS17445 is the Bates No.

1 What's the purpose of this email?

2 A I'm assuming the mill needed a product and -- but they
3 did not need an entire tanker truck.

4 Q Okay. How would you assist in responding to an email
5 like this, which is being sent to you by the supplier?

6 A Well, I -- first thing, would go to Shiv because -- and
7 then our supplier. It's how he guided me, and to go to the
8 supplier and ask what the mill needed just half a truck, which
9 means they're still taking an entire full truck and going to
10 deliver, but just half a truck would be dropped off. It would
11 be a discrepancy of pricing, so...

12 Q Were you involved in efforts to, you know, reduce the
13 pricing for chemicals that were being charged to IP?

14 A I don't understand. What do you mean by I would be
15 involved?

16 Q I mean do you help process price reductions through DGS
17 or for the benefit of IP?

18 A Shiv Kumar would be the one who discussed pricing, not
19 me.

20 Q Okay.

21 A I may be included in correspondence, but I'm not the
22 one making the decision what price goes out.

23 Q Okay. In terms of your experience in being included in
24 the correspondence, did you see examples where DGS reduced
25 pricing for the benefit of International Paper?

1 A Yes. So they're giving us a price drop here, and so we
2 would pass on -- and it's really whatever Kumar says would --
3 would go.

4 Q Okay. And I -- you know, let's -- you know, and I'm
5 not really focusing on the document itself. It's more of a
6 general question, and I understand you're saying that Shiv would
7 make those decisions, but I'm saying, given the many hats that
8 you wore, the emails that you were included on, did you see
9 examples during the approximate nine years that you were at DGS
10 where DGS facilitated price reductions for the benefit of
11 International Paper?

12 A Yes, we did.

13 Q Did that happen with some regularity? Was it once
14 every two years? Did it happen a couple of times a year. Help
15 me understand the nature of that.

16 A It just -- it just depends. If, you know, product
17 prices dropped, it could be during the year, and we would reduce
18 the price.

19 MR. MURPHY: Okay. It's 11:28. Why don't we take
20 a -- I'm going to jump back on at 11:35. So we're talking
21 about seven minutes. And what I will do during this break,
22 Ms. Balsara, is I'm going to go through my exhibits and --
23 and limit the rest of my questions to about 15 minutes, and
24 then I'll turn to over to International Paper's counsel, okay?
25 Let's take that read off.

1 Go ahead. You have a question?

2 WITNESS: Yeah. With regard to International
3 Paper, can you -- you know, I do have limited time. I mean,
4 I cannot go on for another four hours and three hours. So
5 please with due respect, I have a family to take care of and
6 a business as well.

7 MR. TOWNSEND: Yeah. We'll -- we'll be as quick as
8 possible, and you know, we'll respond when we get on. But,
9 yeah, we'll -- we'll make every effort to be -- make this
10 short. Thanks.

11 WITNESS: Thank you so much.

12 VIDEOGRAPHER: This ends Media 1. We're now going
13 off the record. The time is 8:29.

14 (Off the record.)

15 VIDEOGRAPHER: This begins Media 2. We're now back
16 on the record. The time is 8:36.

17 BY MR. MURPHY:

18 Q Were there times, Ms. Balsara, where you would send out
19 questionnaires to the suppliers?

20 A Possibly. I'm not sure what kind of questionnaires. I
21 don't remember that.

22 Q Okay. I'm having trouble finding my exhibit right now,
23 but were there times where weather events impacted the supply
24 efforts by DGS to IP?

25 A The supply efforts?

1 Q Right. For example, would you adjust the delivery
2 schedule if there was an incoming hurricane coming? There's
3 some reference in the emails to Hurricane Harvey, and what was
4 done there in connection with a Kemira delivery.

5 A Yes, we would --

6 MR. TOWNSEND: Objection to form.

7 Go ahead.

8 A We would make the adjustments.

9 BY MR. MURPHY:

10 Q Okay. And -- all right. Let me -- because we had the
11 objection to form, let me rephrase it.

12 Did you, on behalf of DGS, make adjustments to chemical
13 deliveries to IP mills during significant weather events such as
14 Hurricane Harvey?

15 A Yes, we did.

16 Q And DGS would coordinate that between the supplier and
17 the mill; is that right?

18 A Yes.

19 Q Okay. All right. Give me one second to find this
20 exhibit. I'm trying to speed things up, and I'm kind of going
21 out of order. Let me just ask it this way without showing you
22 the exhibit. Are you familiar with a company called Water
23 Guard, sales manager Adam Belcher?

24 A I don't remember. Just...

25 Q Okay. Fair enough.

1 A I don't know what Water Guard does.

2 Q All right. Let me share one last document with you.

3 Can you see my screen?

4 A Yes.

5 Q Okay. This is actually a -- a three-page document. As
6 you can see the Bates No. at the bottom is DGS1051, and it goes
7 to DGS1053. My question on this one is: I see at the bottom
8 there where you're telling Josh that, you know, you spoke with
9 the mill this morning asking them to check the dilute tank, and
10 this is in 2019, correct?

11 A Okay.

12 Q So that's you coordinating to make sure that they have
13 sufficient chemicals, is it not?

14 A Yes.

15 Q And you're ensuring to make sure that a delivery of
16 nitric acid can get out to them in a timely fashion; is that
17 right?

18 A That's correct.

19 Q Okay. I'm done with exhibits. One last one or two
20 questions.

21 Are you familiar with a consultant large firm by the
22 name of Ernst & Young?

23 A Yes.

24 Q Were there occasions where you communicated with Ernst
25 & Young in connection with International Paper Imports?

1 A I don't remember what it would be related to, but
2 maybe.

3 Q Well, for example, did they ever ask you for, you know,
4 particular financial data in connection with any work that they
5 were doing for International Paper as one of their suppliers?

6 A Possibly, yes.

7 Q Okay.

8 MR. MURPHY: Okay. Ms. Balsara, thank you very
9 much for fielding my questions, both for the previous day
10 and this morning. I have no further questions at this time.

11 MR. TOWNSEND: Thank you, Mr. Murphy.

12 Ms. Balsara, as a reminder my name is Nathan
13 Townsend, and I represent International Paper in this
14 matter.

15 E X A M I N A T I O N

16 BY MR. TOWNSEND:

17 Q I would remind you that you are under oath, and my
18 first question is: Are you represented by counsel at this time?

19 A Nope.

20 Q Okay. You met -- testified previously that you
21 provided services to Mid South. Can you tell me what those
22 services were?

23 A It was just the account receivable and payable.

24 Q What -- did you have an Mid South email address?

25 A Mid South email address? I don't even remember. It's

1 been so long.

2 Q Did you -- are you familiar with someone named Jasmine
3 Manish?

4 A Yeah. I mean, Shiv just gave me that name to use for
5 -- for Mid South, use that as an email address, so I did that.

6 Q So your testimony is that Shiv gave you the name
7 Jasmine Manish to use for Mid South?

8 A Right.

9 Q Is that the email address you used when you worked for
10 Mid South?

11 A Yes.

12 Q Did Shiv tell you why you should use Jasmine Manish
13 instead of your real name?

14 A No. He said just use this email address. I went ahead
15 with that.

16 Q Are you familiar with --

17 A It's just --

18 Q Oh, please go ahead.

19 A Yeah. It was mostly accounts receivable/payable. He
20 gave -- I had nothing to do with setting up all the business or
21 any of that.

22 Q Can you tell me what Mid South did for International
23 Paper?

24 A Like DGS, they provided chemicals.

25 Q Did Mid South have anyone who would monitor inventory

1 in the same way that Mark Allen would monitor inventory?

2 A I don't believe so.

3 Q Are you familiar with someone named Parasuraman Sekur?

4 A I've heard that name. I have heard that name, yes.

5 Q And for the court reporter, Parasuraman is spelled

6 P-A-R-A-S-U-R-A-M-A-N, and Sekur is spelled S-E-K-A-R.

7 A I believe he was running Mid South. He was supposedly
8 involved in Mid South. Parasuraman.

9 Q You may have testified to this earlier, but for
10 clarification, who owned Mid South?

11 A As far as I know, it was -- this gentleman and -- and
12 Shiv Kumar.

13 Q Do you know what percentage?

14 A No. I don't know all that. I don't get -- I mean,
15 that's their business. I'm just an admin person, right?

16 Q Did Shiv ever go by just the term Kumar?

17 A So, like I mentioned in the first conversation, I know
18 him as Kumar, right? Because my kids went to school together,
19 so I know him as Kumar.

20 Q So you would address him sometimes just as Kumar and
21 not Shiv?

22 A I always -- I always address him as Kumar.

23 Q Okay. Did Shiv have a Mid South email address?

24 A I don't know, actually.

25 Q Did Shiv use Mr. Sekur's email address?

1 A Oh, I don't know that.

2 Q Ms. Balsara, if you could turn to Exhibit Share.

3 A Okay.

4 Q I'm going to attempt to upload one. I know sometimes
5 this is tricky, so we'll see how it goes.

6 A Okay. So which is your Exhibit 15? Is that what it
7 is?

8 (Exhibit No. 4 was marked.)

9 BY MR. TOWNSEND:

10 Q Yes, ma'am. It looks like it went straight in.

11 And before we do that, I'm actually going to take a
12 moment to stamp it for our purposes as Exhibit 4 so we're not
13 all confused as to where we stand. So if you could refresh.

14 A Ah, now, yes, I do. So as far as monitoring services
15 go, we -- we had a gentleman by the name of Shreyans Jain who
16 did the monitoring for Mid South.

17 REPORTER: I'm sorry. Repeat the name.

18 WITNESS: I'm going to spell it for you. It's
19 S-H-R-E-Y-A-N-S, and the last name J-A-I-N.

20 REPORTER: Thank you.

21 BY MR. TOWNSEND:

22 Q Thank you, Ms. Balsara. So your testimony is that --
23 well, first, let me strike that.

24 Is Shreyans Jain, is -- is that a man or a woman?

25 A It's a man.

1 Q Did Mr. Jain -- so you're testimony is that Mr. Jain
2 monitored the inventory in the same way as Mr. Allen?

3 A That is correct.

4 Q Where is Mr. Jain located?

5 A He's in -- I believe he's in Dallas.

6 Q Is -- do you know where Mid South's mailing address was
7 located?

8 A I don't remember that.

9 Q Did you ever visit Mid South's office?

10 A No, I did not.

11 Q Did DGS have office space?

12 A We did. We had in Tennessee, and I did visit that.

13 Q And where was it located in Tennessee?

14 A It was located in a building. I don't remember the --
15 the address offhand, but I went there. I know I've set up the
16 office, and we had an office space there, so when Shiv traveled
17 to Tennessee, he would work out of that office.

18 Q And is that office in Memphis?

19 A In Memphis, Tennessee, yes.

20 Q How many times did you visit that office, if you
21 recall?

22 A Twice.

23 Q Do you recall the dates of those two visits?

24 A I'm sorry, I do not. You know, you folks are asking me
25 things from ten years ago. I don't, I'm sorry.

1 Q Of course, I totally understand.

2 Well, can you tell me how often Shiv would work from
3 that office?

4 A I don't know because I would not ask him whether he was
5 in California or he was in Tennessee. We just have
6 correspondence either by text or by phone or by email, so I
7 wasn't keeping track of where he would be at a particular time.

8 Q When Shiv worked from California, was that from his
9 home?

10 A Yes.

11 Q DGS didn't have any office space other than its space
12 in Memphis; is that right?

13 A That's correct.

14 Q And did you work from your home?

15 A I worked from my home. We all did.

16 Q And so Mark Allen did as well?

17 A Yes. And that was the advantage of the job -- job
18 because we could work from home and take care of our families as
19 well.

20 Q Understood. And the last person I'm curious about is
21 Ms. Heather Darnell, and she worked from home as well?

22 A Yes. Yes.

23 Q Did DGS own any buildings?

24 A Own any buildings? No, not that I'm aware of.

25 Q Did DGS -- aside from the office space in Memphis, did

1 DGS lease any buildings?

2 A Did they lease any other buildings?

3 Q Correct.

4 A Not that I'm aware of.

5 Q Did DGS own any real estate outside of the United
6 States?

7 A I don't know.

8 Q Did DGS own any patents that you're aware of?

9 A I am not aware of that.

10 Q Did DGS own any rail cars?

11 A No.

12 Q Did DGS lease any rail cars?

13 A I don't know that.

14 Q Did DGS own any vehicles?

15 MR. MURPHY: Objection to form.

16 A Vehicles?

17 WITNESS: Sorry.

18 MR. MURPHY: Objection as to form.

19 You can answer.

20 A I'm not aware of that.

21 BY MR. TOWNSEND:

22 Q And did DGS lease any vehicles?

23 MR. MURPHY: Objection as to form.

24 A If he -- Kumar did, that was all on him -- on him.

25 What, you know, him leasing. I believe he had leased vehicles

1 in that, yes.

2 BY MR. TOWNSEND:

3 Q Did Shiv travel to any IP mills?

4 A Yes, he did.

5 Q Do you know how many mills he traveled to?

6 A I know -- well, I know the first trip was Georgetown
7 who we had approached. After that, I'm not sure to which other
8 mills.

9 Q Would -- would you know if he traveled to more than
10 just Georgetown?

11 A I am -- I do not remember.

12 Q Did he ever mention that he was traveling to any IP
13 mills besides Georgetown?

14 A He may have been gone, I mean, for presentations, but I
15 -- I don't -- I don't remember which mills and when he did that.

16 Q Did Shiv ever visit International Paper's corporate
17 headquarters in Memphis?

18 A Oh, I have no idea.

19 Q Did you ever visit IP's corporate headquarters?

20 A No, I did not.

21 Q Did Mark Allen ever come out to Shiv's personal address
22 in California?

23 A No.

24 Q Did DGS have any vendors located out the -- outside of
25 the United States?

1 A No. Our suppliers were all from the United States.

2 Q Did DGS have any customers outside of the United
3 States?

4 A I am not aware of that.

5 Q Did DGS -- so is your testimony that DGS only had one
6 customer and that was International Paper?

7 A Well, the one I was dealing with was International
8 Paper.

9 Q Do you know of any other customers?

10 A I do not know.

11 Q Did Shiv ever mention that there was more than one
12 customer for DGS?

13 A No, he did not mention that to me. I just needed to
14 know anything about International Paper because that's whom I
15 was deal with and the vendors that supplied International Paper,
16 and they were all local in the U.S.

17 Q Ms. Balsara, I'm going to load up another exhibit for
18 you. Apologies everyone. I'm just having a slight computer
19 malfunction.

20 Okay. Ms. Balsara, I'm going to be introducing this as
21 Exhibit 5.

22 (Exhibit No. 5 was marked.)

23 BY MR. TOWNSEND:

24 Q Do you see Exhibit 5 introduced on your screen?

25 A Not yet.

1 Q Do you mind refreshing?

2 A Yep. Okay.

3 Q So you see -- it should be Exhibit -- there's going to
4 be three zeros and a five.

5 A It'll just take time to open.

6 Q Sure. And just let me know when you have that up.

7 A Yep, I have it up.

8 Q Okay. If you could take a second to review that
9 document and just let me know when you're done, please.

10 A Okay.

11 Q Do you recognize this document?

12 A No. I don't know who drafted that. Not me. I don't
13 believe that's me.

14 Q The salary column on the right-hand -- on the
15 right-hand side, is that within the range of the salary that you
16 received from DGS on a (inaudible) basis?

17 A Possibly, yes.

18 Q What about for Mark Allen at 2500?

19 A Yes.

20 Q Do you know how much -- how much Mark Allen started out
21 making with DGS?

22 A I don't remember. I'm sorry. That was like ten years
23 ago.

24 Q Do you remember how much he finished making?

25 A No, I don't.

1 Q Was it more than \$30,000?

2 A Possibly, but I'm not sure because Kumar was the one
3 that handled salaries, and it went automatic into the bank
4 accounts, and I did not have -- it was separate salary account,
5 so he had access to that, not me.

6 Q Okay. Thank you. And just for clarification, do you
7 know how much Ms. Darnell made on an annual basis?

8 A I'm sorry. How much who made?

9 Q Heather Darnell.

10 A No. I mean, I'm just looking at this, and maybe that's
11 right. I -- I don't know.

12 Q Okay. If you review the job description on this column
13 on this document for yourself, and my question to you will be,
14 is that an accurate description of your work for DGS?

15 A That seems accurate, yep.

16 Q And what about for Mark Allen?

17 A Yeah, that's correct. And Heather's is correct as
18 well.

19 Q Okay. Thanks. That speeds things up.

20 Previously you -- you testified about DGS handling
21 deliveries of -- of chemicals to International Paper. Do you
22 recall discussing that with Mr. Murphy?

23 A Yes. Handling deliveries, yes.

24 Q Would DGS contract with a delivery company to have
25 chemicals supplied to International Paper?

1 A Not with -- not a delivery company. We did it with our
2 vendors. Our vendors would arrange the delivery.

3 Q So the vendors were responsible for delivering the
4 product to International Paper?

5 A Correct.

6 MR. MURPHY: Objection as to form.

7 BY MR. TOWNSEND:

8 Q And when DGS handles deliveries, that definition would
9 mean you would tell the vendor to -- to deliver product to a
10 mill; is that right?

11 MR. MURPHY: Objection as to form.

12 A Yes.

13 BY MR. TOWNSEND:

14 Q Would you do anything else regarding deliveries?

15 A As far as delivery goes, we just wanted to ensure
16 between our vendor and International Paper that they would --
17 they received it on time.

18 Q And how would you ensure that International Paper
19 received a chemical on time?

20 A With the monitoring system that we had in place that
21 Mark Allen handled, we always -- Mark would know if the
22 chemicals came to a certain point or percentage in the tank that
23 we are ready to order. The next delivery he would then contact
24 that -- like the product manager or whoever he needed to contact
25 at the mill to inquire if they're ready for the next delivery,

1 and if they agreed, then I believe he would place that order.
2 So we make sure they don't run short of it.

3 Q Aside from your testimony regarding Mr. Allen's
4 monitoring of inventory, would DGS do anything else to ensure
5 that International Paper received its chemicals on time?

6 MR. MURPHY: Objection as to form.

7 A So am I supposed to answer or not? I don't know.

8 BY MR. TOWNSEND:

9 Q Oh, yes, you can.

10 MR. MURPHY: Yes.

11 A Okay. I'm not sure. That's something that Mark
12 handled.

13 BY MR. TOWNSEND:

14 Q What did you do to ensure that International Paper
15 received its chemicals on time?

16 A So I was not -- I was more the -- in the last many
17 years, I was more the accounts receivable payable. I would just
18 have to be an occasional, maybe once a year, or twice year
19 backup if -- if Mark was on holiday or Heather was not available
20 to place an order.

21 But that was, like I say, very occasional if Mark was
22 traveling internationally. But I was not involved in the
23 day-to-day handling of -- of the delivery. I had to focus more
24 on the accounts receivable and payable because we did have a
25 substantial amount of business from International Paper, and we

1 had many different suppliers, so getting in money was always a
2 challenge to getting paid on time and to ensure that we paid out
3 on time. So that was my job.

4 Q Thanks. What did Shiv -- what services did Shiv
5 provide to International Paper?

6 A He did a lot of the sales.

7 Q Aside from -- well, can you tell me what Shiv doing a
8 lot of the sales means?

9 A Well, he would, you know, work on what we could provide
10 at different mills, what different products.

11 Now, how he did his sales, I don't know. Like I said,
12 we were not all working in the same office together. We worked
13 out of our homes, so what he did as an individual is really on
14 -- on him. I don't know that part.

15 But he would let us know or he would find out what
16 other mills required, and he would try to find a supplier for
17 that.

18 Q And when Shiv handled sales, was he purchasing or
19 arranging for the purchase of chemicals from a supplier and then
20 ultimately reselling those chemicals to International Paper?

21 A Yes.

22 MR. MURPHY: Note my objection as to form.

23 BY MR. TOWNSEND:

24 Q Would Shiv do anything else for International Paper
25 besides sales?

1 MR. MURPHY: Objection as to form.

2 You can answer.

3 A I don't know.

4 BY MR. TOWNSEND:

5 Q Did Shiv have a Ph.D. in chemical engineering?

6 A Yes, he did. He does.

7 Q Do you know where that degree was obtained from?

8 A I have no idea.

9 Q Why would International Paper not simply purchase its
10 chemicals directly from the chemical suppliers instead of from
11 DGS?

12 MR. TOWNSEND: Objection as to form.

13 A My assumption is because we were a minority company,
14 and International Paper needed that minority discount.

15 BY MR. TOWNSEND:

16 Q And what is the majority discount that you understand
17 to exist?

18 A Oh, I believe it was a tax savings for International
19 Paper from the government. That's --

20 Q What? Oh, I'm sorry.

21 A -- my understanding. Yeah. That's my understanding.

22 Q Sorry to cut you off.

23 A That's fine.

24 Q Aside from this tax savings that you understand
25 existed, did International Paper benefit from DGS in any other

1 way?

2 MR. TOWNSEND: Objection as to form.

3 A The way International Paper -- some of my understanding
4 in listening to Mark and to Kumar, on occasion, some of the
5 suppliers were not providing delivery on time, and they would --
6 this were not set up with the monitoring system, and so when we
7 came in there, we worked with the mills on the monitoring system
8 which really helped get delivery on time.

9 BY MR. TOWNSEND:

10 Q Can you tell me which suppliers were not delivering on
11 time?

12 A I --

13 Q Do you recall?

14 A I don't know.

15 Q Okay.

16 A Yeah.

17 Q Ms. Balsara, if my computer cooperates with me, I'm
18 going to attempt to upload another exhibit here, and I'll be
19 marking this as Exhibit 6.

20 (Exhibit No. 6 was marked.)

21 BY MR. TOWNSEND:

22 Q If you refresh, it should be there now.

23 A It's still coming up.

24 Q Okay. Can you tell me when you have it up?

25 A Okay. It's come up now.

1 Q Okay. Great. If you could take a moment to review
2 this, and just for the sake of time, I'll let you know that
3 we're really only going to be reviewing the first two pages,
4 although you are free to read the entire thing if you wish.

5 A Okay. So --

6 Q And -- okay.

7 A Okay. So question?

8 Q Sure. So the first question is: Do you recall this
9 email chain?

10 A I -- I don't.

11 Q Do you recall the individual with the last name of
12 Versaney from Ernst & Young?

13 A E-Y -- yes, I remember correspondence with them.

14 Q Do you remember why you were corresponding with Ernst &
15 Young?

16 A I think it was in auditing.

17 Q So your testimony is that Ernst & Young was auditing
18 DGS?

19 A Possibly. I -- I really don't know. I mean, we went
20 for a few months back and forth on -- on questions, answers and,
21 you know, probably those kind of forms, but I'm sorry. It's --
22 it's been sometime. I...

23 Q No problem. Do you see there in the second email from
24 October 17th, 2018, there's some orange text; do you see that?

25 A Yes.

1 Q Okay. And the top email from you, it says: "See notes
2 below." Do you see that?

3 A Okay.

4 Q So are you the one writing this orange or yellow
5 text --

6 A Probably.

7 Q -- in the second email? Oh, I'm sorry. I should have
8 let you finish there.

9 A Yeah, probably me.

10 Q Okay. If you could scroll down to -- it's the second
11 question of that second email. It says: "Does DGS repack or
12 rebrand any goods purchased from its vendors?" Do you see that?

13 A Right.

14 Q And the orange text says: "No repackaging. Some
15 products are rebranded under DGS name, e.g. DGS sodium
16 hypochlorite." Is that right?

17 A Right.

18 Q Is that an accurate statement that DGS did not
19 repackage products from its vendors?

20 A We did not repackage them.

21 Q The third question says: "Does DGS manufacture any
22 products or outsource manufacturing to a third party?" Do you
23 see that?

24 A Yes.

25 Q Did DGS manufacture any products or outsource

1 manufacturing to a third party?

2 A No.

3 Q Did DGS manufacture any production outside of the
4 United States?

5 A No. Not that we -- not any of the products that we
6 provided International Paper, we did not get anything outside of
7 the United States.

8 Q And DGS didn't own any manufacturing. How -- I believe
9 your testimony previously was that DGS was a small company with
10 four to five employees; is that right?

11 A Correct.

12 Q And all of those employees were located in the United
13 States?

14 A Yes.

15 Q So how would you not know if DGS had manufacturing
16 facilities outside of the United States if all of its employees
17 were located in the United States?

18 MR. MURPHY: Objection as to form.

19 You can answer.

20 A So I don't understand. We -- we were providing
21 everything in the United States, right? I'm -- I'm saying that.
22 Our employees were in the United States. If they did anything
23 outside, and whether he did business outside of the United
24 States, I'm saying I'm not aware of that.

25 BY MR. TOWNSEND:

1 Q And when you say "he," you're referring to Shiv?

2 A Shiv, yeah.

3 Q And if Shiv did business outside of the United States,
4 was that through DGS, or was that through another company?

5 MR. MURPHY: Objection as to form, foundation.

6 A I don't know.

7 BY MR. TOWNSEND:

8 Q So your testimony is --

9 A I don't know of anything that happened in the United
10 States.

11 Q Okay. And so your testimony is you're not aware of any
12 manufacturing facilities that DGS owned outside of the United
13 States?

14 A I'm not aware of anything. Shiv may know, but that's
15 on him. I just know what was happened in the United States.

16 Q Okay. The fifth question on this email says: "Does
17 DGS handle any material from the time it procures goods from its
18 vendors and sells them to its customer?"

19 Do you see that question?

20 A Yes.

21 Q Okay. Did DGS handle any material from the time it
22 procured the goods from its vendors to the time it sold it to
23 IP?

24 A No.

25 Q Did DGS have any distribution facilities?

1 A No.

2 Q Okay. Ms. Balsara, thank you. That's all of our
3 questions on that exhibit. And I'm going to be uploading
4 another one shortly. And to warn you, this is a tad smaller.

5 MR. MURPHY: I'm thinking you meant a tad larger.

6 MR. TOWNSEND: If I said smaller, I was incorrect.
7 That's why we need you objecting, Gene.

8 MR. MURPHY: That's -- that's definitely not an
9 objection.

10 MR. TOWNSEND: Everyone just sit tight. I'm going
11 to try that again, and if it is not working for me, I will
12 just share my screen.

13 (Exhibit No. 7 was marked.)

14 BY MR. TOWNSEND:

15 Q That is Exhibit 7, Ms. Balsara. It may take a moment
16 to download. It took me a while to upload, so if you could
17 start that process, I would appreciate it.

18 A Okay.

19 Q Has it uploaded for you yet?

20 A No.

21 Q Or is it still taking its time?

22 A It's taking time.

23 Q Well, to speed things along because I -- I know you
24 have a short amount of time today, while we wait for this
25 exhibit, I'll ask you a couple of other questions.

1 You mentioned DGS provided an eco-friendly product to
2 International Paper. Do you recall that testimony?

3 A Correct.

4 Q Was DGS purchasing that product from another company
5 and selling it to International Paper?

6 A We were purchasing it from a company, and we had person
7 from that company actually do the cleaning.

8 Q Do you recall who that person was?

9 A Oh, I'm sorry. I don't remember the name.

10 Q Any chance it was a man by the name of Preston Tynes?

11 A Yep. Preston.

12 Q Okay. And Preston, did he work for DGS, or did he have
13 his own company?

14 A He did work for us for sometime, and he did have his
15 own company as well.

16 Q Okay. And so would Preston, through his company, sell
17 his product to DGS?

18 A Sorry, say that again. Did Preston?

19 Q Would Preston sell his product to DGS?

20 A He sold -- he had sold the product to us which we then
21 provided to International Paper.

22 Q Would DGS increase the price to International Paper
23 from what it cost it to purchase it from Preston's company?

24 A Yes. I believe that's how business works, right?

25 Q So DGS would -- would mark up the price?

1 A Yes.

2 Q What was DGS providing to International Paper for that
3 markup for Preston's product?

4 A Are you asking me what price?

5 Q What -- what value was DGS providing for the markup it
6 charged?

7 A So what we're providing was a service. I don't believe
8 International Paper had someone. We introduced that we would
9 have someone do an eco-friendly cleanup, and I believe Kumar had
10 actually approached some of the mills, and he was able to -- we
11 had Preston do a presentation with the mill, and they agreed to
12 tryout the product and the cleaning.

13 Q You testified just now that DGS provided a service to
14 International Paper; is that right?

15 A Right. The cleaning, right, isn't that a service?

16 Q Why would International Paper not just go straight to
17 Preston's company?

18 MR. MURPHY: Objection as to form.

19 A I don't know. We introduced Preston, and we were a
20 minority business. International Paper needed the minority
21 business for their tax break, and so they -- they went through
22 us.

23 BY MR. TOWNSEND:

24 Q Okay. Do you mind checking to see if Exhibit 7 has
25 downloaded for you?

1 A It came up, of course. Uh-huh.

2 Q What's that?

3 A It came up.

4 Q Okay. Great. It is -- it is a long PowerPoint. But I
5 guess my first question, just based on the first slide, do you
6 recognize this PowerPoint?

7 A This is probably -- probably our presentation.

8 Q Do you remember preparing any portion of this
9 PowerPoint?

10 A I think a lot of it was done by Kumar. And I would
11 have added in some slides. It's also some of the slides from
12 previous presentation possibly.

13 Q And do you remember who presented this PowerPoint?

14 A Possibly Kumar, not me.

15 Q Any chance you know who Kumar presented this PowerPoint
16 to?

17 A I'm sorry. I have no idea.

18 Q Okay. Understand. If you would please scroll down,
19 it's going to be slide four and the title is "About
20 DGS-Nanjing."

21 REPORTER: How is Nanjing spelled?

22 MR. TOWNSEND: Nanjing is spelled N-A-N-J-I-N-G.

23 REPORTER: Thank you.

24 A Okay. Yes.

25 BY MR. TOWNSEND:

1 Q Did DGS own a facility at Nanjing, China?

2 A Like I said, what happened outside of the United
3 States, I am not aware.

4 Q Did you know if DGS owned 41 Chinese national patents,
5 and one international patent?

6 A I have no idea.

7 Q Did Shiv ever mention to you a DGS facility in Nanjing,
8 China?

9 A I -- no, not that I'm aware of. I don't know.

10 Q If you could scroll down to the next slide, it's also
11 titled "About DGS-Nanjing."

12 A Uh-huh.

13 Q Do see the third bullet point, it says: "R&D and QC
14 center with 30 full-time scientists." Do you see that?

15 A Yes.

16 Q Did DGS have 30 full-time scientists as employees?

17 A Like I say, anything out of the U.S., I am not aware
18 of.

19 Q But this is a presentation from DGS to International
20 Paper in the U.S.; is that right?

21 A That is correct. I did not do this presentation.

22 Q But it is a presentation to DGS's sole customer,
23 International Paper; is that right?

24 A It looks like a presentation to International Paper.

25 Q So Shiv is representing to International Paper that DGS

1 has 30 full-time scientists; is that right?

2 MR. MURPHY: Objection as to form.

3 A I don't know. I mean, if it's here, then that's what
4 he's saying, I did not create this presentation, and neither do
5 I remember seeing it before.

6 BY MR. TOWNSEND:

7 Q It may take a little while, but if you could scroll
8 town to slide 35, and the title of that is "Logistics and
9 Supply: Local Supply Chain/Warehouse," and do you see that
10 slide?

11 A Let me get there.

12 Q Did DGS have a warehouse in Portland, Oregon?

13 A No.

14 Q Why would this slide say that DGS have -- why -- why
15 would this slide have a sentence that implies that DGS has a
16 warehouse in Portland, Oregon?

17 A I did not -- I did not create this slide, so I am not
18 aware of it.

19 Q Did DGS have a warehouse in Franklin, Virginia?

20 A They did not have centers in any of these places. I
21 did not create this slide, and I do not know about it.

22 Q Was Shiv lying when he said that DGS has warehouses in
23 Springfield, Franklin, Augusta, and Valliant?

24 MR. MURPHY: Objection as to form.

25 A I can't say what he did. Whether he created this and

1 he presented it or somebody else did it, I don't know. But I'm
2 -- what I'm aware of is that we did not have warehouses in any
3 -- in any of these places. So I cannot answer for what he's
4 done or he had someone else do.

5 BY MR. TOWNSEND:

6 Q Okay. I appreciate that, Ms. Balsara. And we'll be
7 done with that exhibit, and I'm going to take a big risk here
8 and try to do two things at once to keep things moving. I'm
9 going to simultaneously try to upload our next exhibit and I'll
10 be asking you questions so that we can move as quickly as
11 possible.

12 Ms. Balsara, do you recall a DGS presentation to
13 International Paper taking place on November 4th, 2019?

14 A November 4th, 2019? No.

15 Q Do you recall --

16 A To tell you the truth, I was traveling. I was out of
17 the country at that time.

18 Q Okay. Do you recall dialing in to a presentation given
19 by individuals represent -- representing themselves as DGS
20 personnel to International Paper?

21 A I can't remember because I was out of the country. I
22 was visiting my parents. 2019 -- I don't remember. I may have.
23 I may have not. I believe I was travelling. That was the
24 advantage of working from home. Even if I was traveling, I
25 could -- I could still do my work.

1 Q Okay.

2 A Okay.

3 Q I think you previously testified that DGS's
4 relationship with International Paper ended around December of
5 2019; is that right?

6 A Correct.

7 Q And I might mess this up, so can you just tell me again
8 your understanding of why International Paper terminated its
9 relationship with DGS?

10 A I really did not know what was happening. All I know,
11 when I was calling in for payments, International Paper, they
12 wouldn't pay, and we weren't getting any calls in for supplies.

13 Q Did International -- did anyone at -- at International
14 Paper tell you why the relationship?

15 A No.

16 Q Okay.

17 A Because International Paper wouldn't answer our calls
18 if we -- I was calling in for payments. I needed help knowing
19 when our payments were coming through. We had a substantial
20 amount due from International Paper, and my job as account
21 receivable payroll was to make sure that we were getting paid on
22 time. We weren't getting paid, and so I got no response.

23 Q Okay. Did -- and I -- again, do you mind just telling
24 me again what Shiv said to you regarding the termination between
25 International Paper and DGS?

1 A He told me that they're -- they're frozen our --
2 they're frozen business to us at this point. We'll have to wait
3 and see.

4 Q And did he say why International Paper had frozen
5 business?

6 A I -- I do not know.

7 Q Did you ever ask him?

8 A I did ask him because, you know, at that point he -- I
9 think by December he had been terminated, and since we no longer
10 were going to be doing business with International Paper.

11 Q And did -- did he answer your question when you asked
12 him?

13 A When I asked him, he says, you know, our business has
14 stopped. International Paper doesn't want to use us as a
15 service anymore, and that's the way it ended.

16 (Exhibit No. 8 was marked.)

17 BY MR. TOWNSEND:

18 Q Okay. If you could try to pull up Exhibit 8. If you
19 refresh and start downloading. This is a large file, so it may
20 take a little while.

21 A Okay.

22 Q In the meantime, Ms. Balsara, you mentioned in your
23 testimony in December that the FBI interviewed you at some point
24 in 2020; do you recall that?

25 A Correct.

1 Q Do you recall what the FBI asked you?

2 A Well, they already know I was travelling in November.
3 That's like a recap, but that, you know, I was -- I was out of
4 the country. And I don't recall the questions all that they
5 asked me. Basic, you know, did I work with DGS, and I -- I
6 don't remember this -- I know this was sometime in 2020, early
7 2020 maybe they contacted me.

8 Q Okay.

9 A It was a telephone conversation.

10 Q It was a how much conversation?

11 A It was a telephone conversation.

12 Q Okay. Do you recall maybe how long they spoke to you?

13 A A few minutes.

14 Q Any chance you remember who the individual was who
15 spoke to you?

16 A Oh, no, I don't.

17 Q Did they tell you anything regarding their
18 investigation?

19 A They are trying to -- they told me that it was some
20 kind of fraud is what they told me. That's when I got to know a
21 little bit more, but then they wouldn't disclose too much. It's
22 the FBI.

23 Q Okay.

24 A So, yeah.

25 Q Do you remember what you told them that day, what

1 information you shared?

2 A Well, whatever they asked me, I answered that, but that
3 was it. You know, it was supposed to be a private conversation,
4 not to let anyone know about it, that kind of stuff.

5 Q Okay. Did you know that Shiv Kumar is a half brother
6 of Sitaraman Jagannath?

7 A I did not know that until the FBI told me that.

8 Q Okay. So Shiv never mentioned that to you?

9 A No.

10 Q Okay. Just as an update, has that Exhibit 8 downloaded
11 for you?

12 A It just did. It just did.

13 Q Oh, perfect timing. Okay. This first slide here, do
14 you recall seeing this before?

15 A So this is what we had seen before in this first slide
16 is what we created before for Georgia Pacific initially, and
17 then when Shiv presented to other mills for other products, we
18 would update the slide as we started getting in more products.
19 So yes, this slide is familiar to me.

20 Q Okay. Can you tell me what this PowerPoint was meant
21 to do, if you recall?

22 A It was a -- basically a sales presentation is what I
23 understand.

24 Q A sales presentation?

25 A It's --

1 Q I'm sorry.

2 A It's trying to say who we were as DGS, as a team,
3 products that we could provide. This was -- I think this was
4 not just a sales thing. This seems to be -- because they talk
5 about Ariba, SAP Ariba which is trying to say what we as DGS
6 did -- provided to International Paper.

7 Q Okay. So it was a sales presentation and introduction
8 to International Paper; is that right?

9 A No. It seems a little different. The beginning
10 slide's -- sorry, the beginning slides seemed like what we were
11 presenting to most of our mills for -- as a sales pitch. But
12 then I see slide 7, or page 7, where it shows what we have done
13 for International Paper, like migrating to the Ariba and then to
14 City Bank because International Paper made changes in the
15 accounting system, and we were the first to get on to it because
16 International Paper wanted all the vendors to get on or their
17 suppliers to get on, and we were one of the first people to
18 implement it because that's what they -- they requested.

19 Q Okay. But it was a presentation to International
20 Paper, right?

21 A It was, yeah, probably a presentation to International
22 Paper of what we as DGS are providing to International Paper or
23 can provide.

24 Q Okay. If you go to slide 4, the heading says "Team."

25 A Okay.

1 Q And if you can review that for me and then can you tell
2 me who Scott Minter is?

3 A I do not know him.

4 Q Okay. Can you tell me who Joe Arnold is?

5 A I believe he -- Kumar was talking to him. He was more
6 trying to transition to sales, but that's on Kumar. I -- I
7 don't know them.

8 Q Okay.

9 A I don't personally know them, but he speaks to a lot of
10 people. I don't necessarily know everyone.

11 Q Okay. And then there's Preston Tynes, correct?

12 A Uh-huh.

13 Q But Preston Tynes didn't work for DGS, right? He had
14 his own company?

15 A He had his own company, and he was consulting for us as
16 well.

17 Q Okay. So he was consulting for DGS?

18 A Yes.

19 Q Why would this slide include Scott Minter, if Scott
20 Minter was not part of DGS?

21 MR. MURPHY: Objection as to form.

22 You can answer.

23 A I did not create this slide, so I do not know.

24 BY MR. TOWNSEND:

25 Q Okay. Why would this slide with the heading of "Team"

1 include Joe Arnold, if Joe Arnold did not work for DGS?

2 A I did not create the slide. I do not know.

3 Q If you could scroll down to the next slide, it's slide
4 number 5, the title "Current Presence, Distribution and
5 Manufacturing Centers."

6 A Okay. The map?

7 Q Did -- thank you. Did DGS have a distribution or
8 manufacturing center in Burlingame, California?

9 A We did not have a distribution center, no.

10 Q What about a manufacturing center?

11 A No. We did not manufacture our own products.

12 Q Okay. Why would this slide state that DGS has a
13 distribution and manufacturing center in Burlingame, California
14 if DGS did not manufacture its own products?

15 A I did not --

16 MR. MURPHY: Objection as to form.

17 A I did not create the slide, so I do not know.

18 BY MR. TOWNSEND:

19 Q Did DGS have a manufacturing or distribution center
20 Chennai, India?

21 A I have no idea.

22 Q What about South Carolina?

23 A I am not aware of it.

24 Q What about Louisiana?

25 A I am not aware of it.

1 Q When you joined DGS, did you have to undergo any safety
2 training?

3 A I did go through some safety training with
4 International Paper, yes.

5 Q So that was provided by International Paper?

6 A Correct.

7 Q Did DGS ever provide safety training?

8 A I did not need it because I was -- I was basically
9 doing more the accounting part, and it was all by phone. When I
10 needed to visit a mill, I did a safety training for
11 International Paper, and I completed that.

12 So I did not need to do one for DGS because I was not
13 -- you know, we didn't have any manufacturing going on at the
14 time I started.

15 Q Okay. Do you know if DGS provided safety training to
16 anyone else besides yourself?

17 A I am not aware of it.

18 Q Okay. Could you scroll down to slide 12, which says
19 "Safety Initiatives," please?

20 A Slide number what?

21 Q 12.

22 A 12, okay.

23 Q The first bullet point says: "Mandatory safety
24 orientation for new employees," right?

25 A Uh-huh.

1 Q Did DGS provide a safety orientation for new employees?

2 A I believe we did. We may have for Mark Allen because
3 he was going to visit the mills, and Mark was already -- he --
4 he worked in this kind of environment before, so he was already
5 aware of a lot of these trainings as well. He had done some
6 trainings is what I understood.

7 Q Did Shiv provide that?

8 A It was a long time ago.

9 I'm not sure.

10 Q Sorry, we may have messed up our record just a bit. I
11 apologize for cutting you off.

12 The question was: Did Shiv provide any safety
13 orientation training to Mark Allen?

14 A I am not sure of that.

15 Q How do you know that Mark Allen received safety
16 orientation training from DGS?

17 A I remember a conversation with Mark because he said
18 that he -- he may have been a very old retired employee of
19 International Paper at some point, and so he had done safety
20 trainings as well.

21 Q But those were not safety trainings from DGS, right?

22 A Not what Mark had told me. But now whether Shiv
23 provided or not, I am not aware of that.

24 Q Okay. So you don't know if Mark Allen received safety
25 orientation training from DGS?

1 A I do not know.

2 Q If you don't know if Mark Allen received safety
3 orientation training and you did not receive safety orientation
4 training, did anyone at DGS receive safety orientation training?

5 A I do not know because Heather never visited any of the
6 mills. She was just a backup for Mark. And I just know what --
7 I mean, I did not. I did do the safety trainings for
8 International Paper when I needed to visit the mill.

9 Q Okay. This slide also mentions ten hours of OSHA
10 training for managers; do you see that?

11 A Yes.

12 Q What managers of DGS received ten hours of OSHA
13 training?

14 A I don't know. We really -- there's -- there's no
15 managers really, right? Kumar is the manager. He's -- he's the
16 CEO.

17 Q Did Shiv receive ten hours of OSHA training?

18 A I have no idea.

19 Q Do you believe that it is accurate for this slide to
20 state that DGS employees received a mandatory safety
21 orientation?

22 A Sorry, repeat the question. Is it mandatory?

23 Q Do you believe this slide is accurate when it says that
24 DGS provided mandatory safety orientation for new employees?

25 A I did not receive it. I do not know about the others,

1 so I can't answer for anybody else, but I did not receive it,
2 but because I was more HR admin, in the beginning some sales,
3 but you know, it was mostly Kumar who did the sales.

4 Q Okay. If you could scroll down to the next slide.
5 Apologies, actually, it's the slide after that, slide 14.

6 It says "DGS defoamer team."

7 A Uh-huh.

8 REPORTER: I'm sorry, DGS what team?

9 MR. TOWNSEND: Defoamer. That's D-E-F-O-A-M-E-R.

10 REPORTER: Thank you.

11 BY MR. TOWNSEND:

12 Q Do you see there, it says -- the last piece of text
13 there's an email address for Joe Arnold at
14 diversifiedglobalsourcing.com?

15 A Right.

16 Q And your testimony previously was that Joe Arnold did
17 not work for DGS, right?

18 A So I am not aware of it, but if that's something
19 between Kumar and Joe, I'm not aware of that.

20 Q Okay.

21 A I was not handling payroll, so I don't know, you know,
22 whether he got paid from DGS or not. Whether he and Kumar were
23 having correspondence, I don't know. If I did not -- the
24 involvement was with me was between Heather, Mark Allen, myself,
25 Kumar. Anyone else, it would be, you know, Shiv handling them.

1 Q Okay. Do you know when DGS was created?

2 A I believe in 2007, '8, or '9, something like that.

3 Q Okay. Can you scroll down to slide 16 for me? It
4 says, "About DGS-Nanjing."

5 A Okay.

6 Q The top left-hand corner, it says "Established in
7 1992"; do you see that?

8 A Yes.

9 Q If you believe that DGS was established in the late
10 2000s, why would this slide say it was established in 1992?

11 MR. TOWNSEND: Objection as to form.

12 Go ahead.

13 A Like I said before, I have nothing to do with what
14 happened outside of the U.S. So I have no idea. I did not
15 create the slides. I did not create the presentation. I have
16 no idea.

17 BY MR. TOWNSEND:

18 Q But this slide presentation was provided to
19 International Paper, right?

20 A I have no idea. I've -- this is the first time I'm
21 seeing it.

22 Q Could you scroll down to the next slide, slide 17? It
23 says "About DGS-Nanjing."

24 A Okay.

25 Q The bottom text says: "2000 customers worldwide." Do

1 you see that?

2 A Yes.

3 Q Did DGS have 2000 customers worldwide?

4 A I have no idea. I just know about the customers in --
5 out here in the U.S.

6 Q And that was only one customer in the United States,
7 right?

8 A That was International Paper is who I was working with.
9 Beyond that, I don't know what Kumar had.

10 Q So Kumar never mentioned any other customer out of the
11 2000 to you?

12 A No. I -- I was just focused on International Paper,
13 and that kept me busy, so I did not discuss anything else beyond
14 that.

15 Q So the reporting relationship went from you to Shiv,
16 right?

17 A I'm sorry, the question?

18 Q Yeah. You reported directly to Shiv, correct?

19 A I did. I did.

20 Q And he was the CEO and owner of DGS?

21 A Correct.

22 Q And your testimony is that you only handled the
23 accounts payable and accounts receivable for one customer,
24 right?

25 A For International Paper and that was it for me and Mark

1 Allen and Heather.

2 Q Okay. So the CEO of a company with 2000 customers
3 would work directly with the accountant for just one of those
4 customers under -- in DGS; is that right?

5 MR. MURPHY: Objection as to form.

6 A So if that's something that he worked with the
7 accountant, I don't know. I just worked on International Paper
8 and the vendors that supplied International Paper.

9 BY MR. TOWNSEND:

10 Q Okay.

11 A Our vendors that supplied International Paper.

12 Q I understood. Thanks. But my question is -- maybe I'm
13 not asking it clearly enough.

14 The CEO of a -- of DGS, Shiv, who has 2000 customers
15 worldwide, is working directly with you, the accountant, for a
16 single customer in the United States; is that right?

17 A Yeah, I was not --

18 MR. MURPHY: Objection as to form.

19 A I was not the accountant. I was the admin account
20 receivable/payable person for the company. I was not the
21 accountant. We had a different accounting firm.

22 Q Okay. But Shiv was working directly with you who was
23 handling administrative tasks, right?

24 A Yes.

25 Q Okay.

1 MR. TOWNSEND: I think it would be a good time to
2 take a break. I don't have a lot more questions, maybe
3 30 minutes. So maybe we can go to like 1:00, take a
4 slightly longer break and come back at -- at 1:00 Eastern,
5 10:00 Pacific. Would that work for you, Ms. Balsara?

6 WITNESS: Okay. So nine-minute break is what
7 you're saying?

8 MR. TOWNSEND: Yes, that's right if that works for
9 everyone else.

10 VIDEOGRAPHER: This ends Media 2. We're now going
11 off the record. The time is 9:51.

12 (Off the record.)

13 VIDEOGRAPHER: This begins Media 3. We're now back
14 on the record. The time is 10:03.

15 BY MR. TOWNSEND:

16 Q Ms. Balsara, you testified previously that Shiv would
17 travel to DGS's office space in Memphis; do you recall that?

18 A Correct, yes.

19 Q Do you know where Shiv would stay when he travelled to
20 Memphis?

21 A No idea.

22 Q Would you ever book a hotel room for him there?

23 A No. He did his -- all of his bookings, international,
24 domestic, all on his own.

25 Q Did Shiv own any property in Memphis that you know of?

1 A No. I'm not aware of it.

2 Q Okay. We already actually have it inside of Exhibit
3 Share. It was, I believe, the first exhibit that I showed you.
4 Maybe that's not quite right.

5 A So we're not looking at Exhibit 8 now?

6 Q We are -- we are done with Exhibit 8.

7 A Okay.

8 Q If we could go back, I have a follow-up question on an
9 exhibit. This one is Exhibit 4.

10 A Okay.

11 Q We looked at previously.

12 A Let me open that.

13 Q Okay. And just let me know when you have it up.

14 A Okay.

15 Q Okay. So on this email coming from Mr. Jain, on August
16 25th, 2018, is he addressing you in this email when it says
17 "Jasmine"?

18 A Yes.

19 Q Okay. And it also says that he's addressing Shiv; is
20 that right?

21 A Yes.

22 Q And the email addresses that he's sending this email to
23 are the Jasmine Manish address; is that right?

24 A Yes.

25 Q And it's also the P. Sekur address; is that right?

1 A It looks like, yes.

2 Q So was Mr. Jain emailing Shiv in this instance?

3 A I don't know whether he did a BCC or -- and he's
4 addressing him as well. It -- he's addressing Shiv and Jasmine,
5 and that's what I know of from looking at this email.

6 Q Did you ever meet Mr. Sekur?

7 A Did I meet Mr. -- no, I did not.

8 Q Did you ever speak to him over the phone?

9 A I don't remember if I did.

10 Q Is Shiv using the alias of Mr. Sekur in this instance,
11 do you know?

12 A Not that I'm aware of. I believe there was a Mr. Sekur
13 that existed, but I do not know whether he's using him as an
14 alias here.

15 Q Do you know if Shiv ever used this P. Sekur email
16 address for Mid South?

17 A I don't know. I don't know.

18 Q Okay. You mentioned that Mr. Jain performed inventory
19 monitoring for International Paper; is that right?

20 A Correct.

21 Q Okay. Do you recall what mills Mr. Jain monitored
22 inventory for?

23 A I'm sorry, I do not. I don't remember which mills were
24 provided for at this time.

25 Q Okay. Do you remember what chemicals Mid South

1 provided to International Paper?

2 A Oh, no, I do not.

3 Q Okay. Do you know why Mid South was formed?

4 A No. I mentioned earlier I was no involved in the
5 formation of Mid South, so I do not know.

6 Q Okay. Did -- what did Shiv tell you about you
7 providing services to Mid South?

8 A He told me to just -- I never got paid from Mid South.
9 He told me, you know, just to use his email address and just do
10 accounts receivable and payable. That's it. I said, sure, I'll
11 go ahead and help you with that.

12 Q Okay.

13 A None -- nothing that I got paid for or any of that.

14 Q And this is not meant to pry into your life,
15 Ms. Balsara, but is your daughter's name Jasmine, and your
16 husband's name Anish; is that right?

17 A Yes, it is.

18 Q Was there any reason why Shiv selected the names of
19 your daughter and husband as your email address?

20 A I have absolutely no idea.

21 Q Okay.

22 A Absolutely no idea.

23 Q Okay.

24 A Makes me think too why. I don't know.

25 Q What's that?

1 A Makes me think why too.

2 Q We're done with that exhibit. Ms. Balsara, I tried to
3 get ahead of things a bit, and I's loaded it already. It's
4 Exhibit 9.

5 (Exhibit No. 9 was marked.)

6 BY MR. TOWNSEND:

7 Q It is an email, so it shouldn't take very long to
8 download, but if you could access that, please.

9 A Okay. It's still coming up. Okay.

10 Q Okay. If you could review it, and once you're done,
11 could you let me know if you recall seeing this email chain
12 before?

13 MR. MURPHY: Nathan?

14 MR. TOWNSEND: Yes?

15 MR. MURPHY: I lost track. Which exhibit are we
16 looking at?

17 MR. TOWNSEND: We are in Exhibit 9; the first page
18 of the Bates label is DGS003 -- or 0003008.

19 MR. MURPHY: I've got it. Great. Thank you.

20 MR. TOWNSEND: Yeah.

21 BY MR. TOWNSEND:

22 Q Ms. Balsara, do you recognize this document?

23 A I don't, but my name's there, so I've probably written
24 it.

25 Q Okay.

1 A Provided totes to International Paper.

2 Q Okay. And it looks like Mr. Greg Brown from Brenntag
3 is offering a price of \$1.65 gallon delivered; is that right?

4 A Correct.

5 Q Okay. And then in a second -- in the next email, Shiv
6 emails you and says: "Please mark off \$2 a gallon and quote
7 Valliant." Is that right?

8 A Yes.

9 REPORTER: I'm sorry. \$2 a gallon, and the last
10 three words were what?

11 MR. TOWNSEND: And quote Valliant.

12 REPORTER: Okay. Thank you. Excuse me.

13 MR. TOWNSEND: Thanks.

14 REPORTER: Yep.

15 BY MR. TOWNSEND:

16 Q So in this instance, DGS had a markup of 35 cents on
17 the price, right?

18 A Correct.

19 Q What value was DGS offering International Paper for
20 that markup of 35 cents?

21 MR. MURPHY: Objection as to form.

22 A Well, as far as I know, we're providing a product that
23 they required. The markup was probably little or too much. I
24 don't know. That's not on me to judge, but we were providing or
25 requesting to provide a product that they wanted in the mill.

1 And then one time when International Paper was not able
2 to get a product on time, especially if it's totes and needed
3 extra or something that they did not have the facility to keep a
4 truckload, and they just wanted totes because they had space to
5 just keep totes, and so we were able to provide that. So we
6 were trying to provide whatever they wanted.

7 International Paper also called us because we were
8 providing a good service to them, on time service, and they
9 would call us and ask us if we had any resources to -- to get a
10 particular product. I don't know which products, but you know,
11 they -- they would contact us.

12 BY MR. TOWNSEND:

13 Q Could International Paper have contacted Brenntag for
14 the sodium hypochlorite that it's requesting in this email
15 chain?

16 A I mean, they could have.

17 Q And they could have obtained -- sorry, go ahead.

18 A Yeah, they could have. I -- you know, whether they did
19 it directly or not, I don't know. But they probably already had
20 a relationship with DGS, and I know our on-time service with
21 them, and we had built a relationship with International Paper
22 and lot of the folks at the mills as well, and so they would
23 call us when they were in need of something.

24 Q And you mentioned this on-time service. I think we've
25 gone over this a bit, but just as a reminder, can you tell me

1 what this on-time service was that DGS provided?

2 A So we had heard from some of the International Paper --
3 Mark would relate this to me that some of the staff would say,
4 oh, you know, they're either running low or they did not -- some
5 of the supplies did not provide on time, and so we tried to ask
6 the mill what kind of products those were and if we can
7 outsource them ourselves.

8 We -- we were already to help and hop on there to
9 International Paper and say we were trying to find a vendor and
10 provide that on time to them, the product on time. You know, it
11 was always in the good faith that International Paper does not
12 run out of products, and that was always a service we wanted to
13 provide to them, that they never run out of it or too low. But
14 they always had it, and that's where we came in and wanted to
15 ensure that we were able to do it.

16 People like Brenntag or Nalco, they were big companies,
17 and as much as they did have stuff come around -- but what I
18 heard that sometimes they do slip through the crack. I can --
19 you know, they -- they may not have a product there on time.
20 But we were -- we were a smaller company, and so we were able to
21 focus on -- on giving them this -- you know, going that extra
22 mile to make sure that International Paper was satisfied.

23 Q And work for ensuring that a product arrive on time
24 from DGS came from Mark Allen; is that right?

25 A Correct.

1 Q Did it come from anyone else besides Mark Allen?

2 A No. I -- I -- as far as I understood, it came from
3 Mark Allen because he was on top of it, making sure that the
4 mills had the products that they needed, the ones that we were
5 supplying by ordering it on time or running short, or he would
6 -- he would -- he was pretty good at saying he had -- apart from
7 the monitoring service that we had at some of the mills, but he
8 was good to even say, oh, it's been two weeks or 10 days, and
9 this product should be consumed by now. Are we ready to order?
10 He would call the mill.

11 He'd ask those managers or -- or the people that are
12 actually using the product. Are you ready to order your next
13 shipment? So he'd get onto it on his own by actually calling up
14 the mills and finding out whether that's something they needed
15 before the mill can call us.

16 He did that very often in many of the mills to make
17 sure, hey, I think it's going to be about time because you
18 should be running out of that particular product. Are you ready
19 to get the next supply?

20 Q And did DGS provide Mark Allen's services for all of
21 the chemicals it sold to International Paper?

22 A For most of them, yes. I believe there was some
23 from -- maybe sospersse. No. I don't remember whether he did
24 sospersse, but he did all the other products.

25 Q But DGS did provide sospersse to International Paper at

1 a markup, right?

2 A Yes.

3 Q So what was the value to International Paper for the
4 sosperse markup?

5 MR. MURPHY: Objection as to form.

6 A I mean, I clearly don't understand what you mean by
7 "what is the value?" We're -- we are outsourcing. If we put in
8 a bid for a product, if we won the bid due to pricing because we
9 are getting better pricing than someone else, then isn't that
10 value itself?

11 BY MR. TOWNSEND:

12 Q So your value would be if you can offer a lower price
13 than another company? Is that a value you believe DGS provided?

14 MR. MURPHY: Objection as to form.

15 A I believe --

16 MR. MURPHY: Go ahead.

17 A I believe, yes. I mean, that's for anyone, right? We
18 go out shopping, and someone gave you a better price than the
19 next person, you're going to go with what's the better price,
20 right? That's what business is about.

21 BY MR. TOWNSEND:

22 Q In the instance we're looking at here, the price to you
23 for \$1.65 from Brenntag, and you sold it to International Paper
24 for \$2.00, right?

25 A Correct.

1 Q So isn't the better price to International Paper \$1.65?

2 A Yeah, but International Paper did not go directly to
3 Brenntag. They came to us, correct?

4 Q What if International Paper had gone directly to
5 Brenntag instead of coming to you?

6 MR. MURPHY: Objection as to form, calls for
7 speculation.

8 A Then that's up to -- you know, in between International
9 Paper and Brenntag.

10 BY MR. TOWNSEND:

11 Q Do you know who at International Paper was purchasing
12 these chemicals?

13 A No. I don't have no idea.

14 Q Can you tell me --

15 A I mean, the mills -- the mills were purchasing, right?
16 The mills were purchasing its products.

17 Q What was the role of Sitaraman Jagannath?

18 A He was a manager. What was he a procurement manager,
19 or he was a manager there at International Paper.

20 Q Was Sitaraman Jagannath purchasing these products for
21 them?

22 A That I don't know.

23 Q So your testimony is that the mills -- personnel at the
24 mills were purchasing chemicals from DGS?

25 A Right. Because we were dealing directly with the

1 mills. Now, if Shiv was dealing with someone else, then we are
2 not aware of that, but we were dealing directly with the mills.

3 Q If Sitaraman Jagannath purchased chemicals from DGS, a
4 company owned by his brother, would that be a conflict of
5 interest?

6 MR. MURPHY: Objection as to form.

7 You can answer.

8 A Well, it depends how you look at it, right? If -- if
9 we're providing a good price, then would it be, you know,
10 conflict if we're providing a good price to International Paper?
11 I don't think so.

12 BY MR. TOWNSEND:

13 Q What if International Paper could have obtained this
14 product from Brenntag at \$1 -- \$1.65, but instead, it purchased
15 the product at \$2.00 from DGS?

16 MR. MURPHY: Same --

17 BY MR. TOWNSEND:

18 Q Is that a good price?

19 MR. MURPHY: Same objection.

20 A Okay. So a lot of the times with companies -- I'm not
21 going to go after every vendor out there and, you know, ask for
22 pricing, right? When we do this -- when we do -- my
23 understanding -- okay, and I'm not some big professional on
24 this, it's what I've learned over the 9, 10 years with DGS.

25 If you go and, you know, we present ourselves like --

1 there were many companies that we were working with. We present
2 pricing and products and our services. If we win some of the
3 bids, then it's our product, right? It's -- it's our business
4 to keep. And we also lost business to other companies that were
5 providing better pricing for certain products. So I don't see
6 where the conflict is there when we're providing a good price
7 and providing the service.

8 Now, with them being, you know, half brothers -- and
9 that I was not aware at all of that -- and whether that's a
10 conflict of interest, I -- I -- it truly doesn't matter to me.
11 You know, that's just all new to me. So I'm just looking on the
12 business side of us providing product at a good pricing.

13 BY MR. TOWNSEND:

14 Q So your testimony is that you somehow know that the
15 folks at International Paper didn't shop around for its
16 chemicals; is that right?

17 A At that -- I don't know whether they did or not. I'm
18 just saying, in general, big companies. I'm not saying they did
19 not. I'm sure they did, right? To what extent? I don't know.
20 I don't know what they did on their back end.

21 Q So you're just speculating right now?

22 A Sorry? It's just a speculation.

23 Q Just a speculation.

24 A Yes.

25 Q Okay.

1 A Right? It's not hard core. I don't know what
2 International Paper did. I don't know anyone personally out
3 there to -- to say this is what they did or did not do. This is
4 just my speculation in big companies. You know, in companies
5 people will have a (inaudible) and has a good pricing or, you
6 know, a good service, then probably that's who they're going to
7 choose. How they make that judgment and who to choose, that's
8 really on the company's side. I don't have no involvement in
9 that.

10 Q Did Shiv ever explain to you how DGS would calculate
11 its markup?

12 A No, no. He did all of that.

13 Q Okay.

14 A That's got nothing to do with me. I mean, I --
15 whatever pricing he told me, that's what I put down on paper.
16 That's it.

17 Q Okay. So in this example, we're looking at Brenntag
18 where Shiv tells you to mark up the price of \$2 a gallon, he
19 never explained why it should go down from \$1.65 to \$2?

20 A No. I mean, no. He's a sales person. It's his
21 company; it's his thing. I'm someone who's doing, like I said,
22 the admin account receivable and payable. Who am I to say what
23 pricing should be?

24 Q Okay. Did Shiv ever instruct you to put DGS letterhead
25 on a material safety data sheet from another company?

1 A Material safety -- yes, he did.

2 Q Did he explain why he wanted you to put DGS letterhead
3 on a material safety data sheet?

4 A Because that's what we're going to be providing to
5 International Paper.

6 Q Was it DGS's product that was being provided?

7 A It was our vendors' or our suppliers' product that we
8 would be providing.

9 Q So why you would put DGS's letterhead on a material
10 safety data sheet for another company's product?

11 A My understanding was because that's what we're going to
12 be providing now. When it -- I mean, I just did what I was
13 told. I'm not one to question that kind of stuff because it's
14 not -- it's not me, right? That's -- I don't even understand
15 the product. I'm not a chemist or, you know, an engineer to
16 understand that stuff. If you asked me to, you know, change it
17 to DGS letterhead, yes, then I did that.

18 Q Okay. I'm going to pull up -- it's going to be two
19 exhibits. But one is an email and one is an attachment so we'll
20 tack them in together.

21 A So we're done with Number 9?

22 Q Yes, we are. Thank you. Thank you for reminding me to
23 close out of that.

24 I've introduced the Exhibit 10. Actually it's an
25 email, and I'm in the process of getting up Exhibit 11.

1 (Exhibit Nos. 10 and 11 were marked.)

2 BY MR. TOWNSEND:

3 Q Okay. And Exhibit 11 is also up. Do you see those two
4 exhibits, Ms. Balsara?

5 A I see Exhibit 10.

6 Q Okay.

7 A I believe I can only open one exhibit at a time.

8 Q Yeah, that's fine. We'll start with Exhibit 10 if you
9 could open that.

10 A I've done that.

11 Q Okay. Do you remember seeing this email before?

12 A I wrote it, so probably, yes. It's a long time ago.

13 Q Right, and you are emailing Mr. Jagannath in this
14 instance; is that right?

15 A Correct.

16 Q And you tell him: "Please find a signed copy of IP
17 code of conduct"; is that right?

18 A Yes.

19 Q Okay. And just so we keep our record a little clear
20 here, this is Bates labeled DGS0016 through 08.

21 Ms. Balsara, we'll now leave this exhibit and go look
22 at Exhibit 11, which is the attachment to that email. Do you
23 have that up?

24 A It's coming up.

25 Q Okay.

1 A Okay.

2 Q Okay. I'm going to teach you a little trick about
3 Exhibit Share right now. If you scroll down to the second page,
4 it probably is -- the letters are on the side. If you up to
5 Exhibit Share's icons, there's a print icon, and next to it is
6 an icon that is labeled "view controls" if you hover over it.

7 A I just see the one where it's the plus/minus.

8 Q Okay. Slightly to the left. It's like a -- I don't
9 know what you would call it. Like a piece of paper with a
10 little tool in side of it, I guess.

11 A Yeah, off this page, right? Of the screen? But I
12 don't see anything on my screen.

13 Q Okay. That's -- that's okay. You know what? I think
14 we'll do for this one just so that you can read it without
15 having to strain your neck, how about I just share this one
16 through screen share --

17 A Sure.

18 Q -- so we can all -- all just be on the same page.

19 A Yes.

20 MR. TOWNSEND: All right. Can everyone see my
21 screen?

22 WITNESS: Yes.

23 MR. MURPHY: Yes.

24 BY MR. TOWNSEND:

25 Q So, Ms. Balsara, this is that attachment from the email

1 we just looked at. I am going to scroll down to the second
2 page, and I'm going to rotate it so that you can read it both
3 this page and the next one. So just let me know when you've had
4 a chance to review this, and I'll scroll town to the next one.

5 A (Complies.) Okay.

6 Q Okay.

7 A Okay.

8 Q All right. And I'm going to scroll to our top page
9 here.

10 Ms. Balsara, do you remember this document?

11 A I don't. Really long time ago. I don't. I'm sorry, I
12 don't.

13 Q No problem. Is that your signature on the first page?

14 A Yes, it is.

15 Q Okay. And on the second page, is this your signature
16 on the side here below the corporate seal?

17 A Yes.

18 Q Okay. And on our third page, is this your signature
19 down here at the bottom right-hand corner?

20 A Yes.

21 Q Okay. And the third paragraph, page 3, it says:

22 "Suppliers shall disclose to IP any potential conflict of
23 interest such as when one of their employees or someone close to
24 the employee has a relationship with an employee who can make
25 decisions that will affect supplier's business or when an IP

1 employee has any kind of interest in the supplier's business."

2 Did I read that right?

3 A Correct.

4 Q Did DGS as a supplier disclose to IP that Shiv Kumar
5 was a half brother of Sitaraman Jagannath who was an IP
6 employee?

7 MR. MURPHY: Objection as to form.

8 You can answer.

9 A So I do not know that. I only became aware of this
10 when the FBI told me, so...

11 BY MR. TOWNSEND:

12 Q Okay. But Shiv --

13 A And I find this, it was not a conflict that I was aware
14 of.

15 Q I understand. And I appreciate that.

16 But did Shiv Kumar disclose that he was the half
17 brother of Sitaraman Jagannath to IP?

18 A I have no idea. I mean -- he would -- he had not
19 disclosed it to me, so whether he disclosed it to International
20 Paper, I have no idea.

21 Q If you recall -- I'm happy to pull back up, but if you
22 recall our previous exhibit, it had Shiv carbon copied. Do you
23 remember that?

24 A Probably.

25 Q Okay. So it's Shiv was on the email that you sent to

1 Mr. Jagannath disclosing this document, correct?

2 A Yes.

3 Q So he permitted you to send this document to his half
4 brother indicating that DGS would disclose any potential
5 conflicts of interest; is that right?

6 A Yes.

7 Q And he never said anything to you?

8 A No.

9 Q Okay. He was letting you send this document and sign
10 it without disclosing any conflict of interest, right?

11 A To me. Like I mentioned, I only found out in 2020 when
12 the FBI told me that.

13 Q But it's not just to you, right? It was also to
14 International Paper because you were emailing International
15 Paper, right?

16 A I was emailing to International Paper. So whether he
17 disclosed that to them or not, I have no idea.

18 Q On this first page, it says: "Diversified Global
19 Sourcing Inc agrees to comply with and require its employees,
20 subcontractors, and agents to comply with International
21 Paper's -- International Paper Company's supplier code of
22 conduct." Is that right?

23 A Yes.

24 Q And that code of conduct that we just looked at
25 requires DGS to disclose conflict of interests, right?

1 A Yes.

2 Q So DGS was not complying with the supplier code of
3 conduct when you sent your email to Mr. Jagannath, right?

4 MR. MURPHY: Objection as to form.

5 A I -- I'm not aware of that because I don't know whether
6 he had that conversation with International Paper or not. I'm
7 not aware of it. Like I said, I only found out in 2020, but
8 whether he had this conversation with International Paper, I am
9 not aware of it.

10 I was just following what I knew or what I was told to
11 do, to sign it and send it and review it. And for me, there was
12 no conflict of interest because I was not aware of the
13 relationship.

14 BY MR. TOWNSEND:

15 Q Okay. I'm going to stop sharing now. We're done with
16 Exhibit 11.

17 Ms. Balsara, did you help prepare DGS's tax returns?

18 A Tax returns? I would just provide the login and
19 password to the -- for whatever I had in QuickBooks is what the
20 software we're using to the accountant, and they would prepare
21 the tax return, not me.

22 Q Okay. Did you ever provide, if you recall, income and
23 expense financial information from DGS to DGS's accountants?

24 A Yes, but they had access to that anyway on QuickBooks.

25 Q Okay. We're going to take a look at two exhibits

1 again, sort of like what we just did. The first is going to be
2 an email, and then we'll take a look at its attachment.

3 (Exhibit Nos. 12 and 13 were marked.)

4 BY MR. TOWNSEND:

5 Q Okay. I have it -- Exhibit 12 up for you. So we'll go
6 there first. If you could open that, please.

7 A Yes. To Krishnan.

8 Q Yes. Do you recall writing this email to Krishnan?

9 A Yes, I did. This was -- this was like right in the
10 beginning, before we -- let's see. Before we hired our more
11 experienced or bigger accounting firm.

12 Q Okay. And are you sending to Krishnan DGS's 2012
13 expense -- expenses and income for filing?

14 A Yes, I did.

15 Q Okay. And so the expenses that you were sending over,
16 these were deductions from DGS as a corporate entity; is that
17 right?

18 A As far as I know, yes.

19 Q Okay. Let's see if we have Exhibit 13. I believe
20 Exhibit 13 is ready. If you can look at that, it's an Excel
21 spreadsheet. It's the attachment to the email we just looked
22 at.

23 A (Complies.)

24 Q Ms. Balsara, do you see --

25 A Not yet.

1 Q Not yet?

2 A Still loading.

3 Q Okay. We'll just give it a second. Just let me know,
4 Ms. Balsara -- what's that?

5 A Nothing yet.

6 Q Nothing yet. Okay. Let's give it a couple of more
7 minutes. If it is not loading, to keep things moving, I'll do
8 an Exhibit Share again from my computer. We'll just sit tight
9 for just a little while longer.

10 A You may want to do the screen share. It's not coming
11 up.

12 Q Okay. Okay. We'll -- we'll do that. Let me just pull
13 it up on my end.

14 Okay, everyone.

15 Ms. Balsara, do you see this Excel sheet I have pulled
16 up?

17 A Yes.

18 Q Okay. Do you recall this Excel sheet from your time at
19 DGS?

20 A I mean, it's probably something I created. Do I recall
21 it? No. It's a long time ago.

22 Q Okay. Do you see here at the top of column B it says
23 "Expensed"?

24 A Yes.

25 Q And then in column C it says "Debit," and column D it

1 says "Credit"; is that right?

2 A Right.

3 Q Okay. So in cell D1 -- D2, actually, under "Credit"
4 there's an amount, and in the "Expense" column, it says "IV
5 payment"; is that right?

6 A Right.

7 Q Okay. So is this reflecting revenue to DGS from IP
8 here?

9 A Correct.

10 Q Okay. And in this column C with debit, are these
11 expenses?

12 A They are expenses.

13 Q They're expenses? Okay.

14 Do you know how these expenses were booked?

15 A Credit card.

16 Q Okay.

17 A I'd only have gotten it out of credit card; that's it.

18 Q So you would take expense items from a credit card, and
19 you would book them as an expense for DGS?

20 A Yes, because he -- he had a business credit card.

21 Q Okay. If you look down to row 14, the expense item
22 says Denny's; do you see that?

23 A Yes.

24 Q What was the business reason that DGS was taking a
25 charge for Denny's?

1 MR. MURPHY: Objection as to form.

2 A I really don't know. I mean, he went to eat at
3 Denny's. Did he meet someone? I don't know, but I just took
4 the expenses from the credit card, and I put it on the Excel
5 sheet.

6 BY MR. TOWNSEND:

7 Q Okay.

8 A Everyone has meal expenses for -- for their business.
9 They go out. If you go out for lunch today, it's going to have
10 a meal expense.

11 Q Okay. Let's go down to row 35. It says "Peninsula
12 Endoscopy for \$748.71." What's the business reason for an
13 endoscopy for DGS?

14 A Well, all I did was plug in into this form the expenses
15 from the credit card. The accountant would be the one who would
16 -- who would actually probably evaluate what was a business
17 expense and what was not.

18 Q Okay. But my question to you is: Is this -- does this
19 have a business reason for DGS?

20 A No, it does not.

21 Q Okay. So your testimony is that the accountant would
22 back out some of these items from this Excel spreadsheet under
23 the tax return; is that right?

24 A That's correct. I just plugged in whatever was there
25 on the credit card.

1 Q Okay.

2 A On the Excel sheet.

3 Q I want to go -- go down to row 109. It says "Super
4 Duck tours for \$71"; do you see that?

5 A Yes.

6 Q Do you know what a duck tour is?

7 A I have no idea.

8 Q Do you know if this was a business expense for DGS?

9 A Absolutely no idea. I just plugged in from the credit
10 card into the expenses there and sent to the accountant.

11 Q We're going to scroll for a little while here. Row
12 565. It says, "24-Hour Fitness"; is that right?

13 A Correct.

14 Q Do you know what a 24-Hour Fitness is?

15 A It's a gym membership.

16 Q Okay. And this amount is for \$49?

17 A Correct.

18 Q Okay. And what about banana Republic for \$463.95?

19 A Correct.

20 Q What's the business reason for this expense for DGS?

21 A No. I have no idea about that. All I know, as I said,
22 I'm plotting whatever is on the credit card and put it on the
23 Excel sheet. The accountant will eliminate what he does not
24 need and keep what he does require.

25 Q Okay. So your testimony here is that this Banana

1 Republic expense would be something that the accountant would
2 eliminate from DGS's tax return; is that right?

3 A That's my understanding, yes.

4 Q Did you ever have a conversation with the accountant
5 about what to back out?

6 A It's not -- it's not me to do that. The accountant
7 would know what to back out, and that's between the accountant
8 and Shiv Kumar. I just plug in the information from the credit
9 card bills onto the Excel sheet.

10 Q Okay.

11 A Final review is if Shiv Kumar on the taxes and tax
12 return, the expenses. It's not me.

13 Q Okay. I'm going to scroll over to column N, Excel N --
14 I'm sorry. Messing all of that up. Scrolling over to column N,
15 the row is 567, and the cell is N567; do you see that?

16 A Okay.

17 Q And that's the same amount for Banana Republic that we
18 just discussed at 463.95; is that right?

19 A Correct.

20 Q Okay. I'm going to scroll up to the top again.

21 Do you see the very top of column N where it says
22 M-I-S-C?

23 A Uh-huh. Yes.

24 Q And does that stand for miscellaneous?

25 A Yes.

1 Q Okay. Bear with me. All right. Scroll down to row
2 865, column N. Do you see where my placeholder is now?

3 A Yes, on 30,000.

4 Q Okay. So it's \$30,842.72, right?

5 A Correct.

6 Q And that would -- that encompasses, according to the
7 Excel formula, cells N2 -- what's that?

8 A Anything in row N.

9 Q Okay. So that would include the Banana Republic
10 expense, right?

11 A Correct.

12 (Exhibit No. 14 was marked.)

13 BY MR. TOWNSEND:

14 Q Okay. I'm going to stop sharing my screen. We're
15 going to look at another exhibit.

16 I've uploaded the next exhibit. My screen sharing
17 might have brought some confusion. It says Exhibit 14, and if
18 you could open that, Ms. Balsara, I would appreciate it.

19 A Waiting on it to open. 11/20 is the return.

20 Q That's correct. And just our record's clear, the first
21 page is DGS0005633. Do you have this out, Ms. Balsara?

22 A It's still coming up.

23 Q Okay. Is this the tax return for the 2012 tax year?

24 A Yes, it is. Looks like it.

25 Q Okay. And is that Shiv Kumar's signatures on the "sign

1 here" block towards the bottom?

2 A Yes.

3 Q Okay. Let's scroll to the last page if you can.

4 A Okay.

5 Q And if you review the "Other deductions" section,
6 you'll see a row for misc or miscellaneous.

7 A Yes.

8 Q And the amount is for \$30,843, right?

9 A Correct.

10 Q And that's the same amount we just saw in column N on
11 the previous exhibit, right?

12 A Correct.

13 Q So DGS took as a business expense \$463 from Banana
14 Republic, right?

15 A Maybe. Was that not in miscellaneous?

16 Q Your previous testimony was that Banana Republic
17 expense wouldn't be a business expense, and now you're changing
18 that; is that correct?

19 A Well, I'm not changing anything. I'm just asking ws
20 that in miscellaneous? I don't know. You know, like I said, I
21 can't judge what the accountant did. All I did was plug from
22 the credit card and put it in the Excel sheet.

23 Now, this is a question really for the accountant and
24 how he distributed the expenses. It's not on me to say where it
25 goes. I'm not an accountant by profession.

1 Q Did you handle DGS's QuickBooks, though?

2 A I did handle the QuickBooks, yes. And this --

3 Q And you did download expenses?

4 A At this point I don't believe -- this was 2012, 2013.

5 I don't believe we had -- in 2012 I don't believe we had

6 QuickBooks. We were a very small store as a company. So it was

7 all on Excel sheet, and that's why you're seeing everything on

8 Excel.

9 Q So are you telling me that a company with 2000
10 customers just was using Excel sheets? Is that what you just
11 testified to?

12 A I -- I was working --

13 MR. MURPHY: Objection as to form.

14 A No. I was working -- and I repeated this many times --
15 for International Paper only. I don't know about his other
16 customers.

17 BY MR. TOWNSEND:

18 Q So your testimony is that Shiv used Excel sheets for a
19 single customer in the United States; is that right?

20 A No. I'm saying that I used this for International
21 Paper because it was just the beginning of when we started
22 business with International Paper, okay? And then I said -- I
23 told him that we're, as a company, growing. We should move to a
24 platform that's easier for the accountants to understand. We
25 did change to a larger company for accountant as the business

1 grew.

2 And so I started off with -- with just the Excel sheet.
3 That was easy to just go ahead and send out to the accountant.
4 That's how I started it off. I did not know when I started with
5 the company, you know, how much it's going to grow, but when we
6 started growing, I said, I think we need a more professional
7 platform, just an Excel sheet would not work.

8 Q Okay. What --

9 A I'm not an accountant to judge this, I'm sorry to say.
10 That's the accountant or the one that needs to distribute.
11 That's the accountant's job to do it. All I did was plug in
12 information from a credit card onto an Excel sheet.

13 Q I understand that, Ms. Balsara.

14 As far as you know in your personal capacity, though,
15 what expense was DGS incurring at Banana Republic for \$463? Can
16 you tell me, if you know?

17 A I don't know.

18 Q Was Shiv --

19 A I don't know.

20 Q What's that?

21 A I don't know.

22 Q Do you think that was a proper business for DGS to be
23 taking and reporting to the IRS?

24 MR. MURPHY: Objection as to form.

25 A I'm sorry, but that's not for me to judge. I'm just

1 plugging in information from -- from a statement into the Excel.

2 That's not for me is judge what's correct and not. Right?

3 That's between the accountant and Shiv.

4 BY MR. TOWNSEND:

5 Q If we were to go through all the entries for that
6 \$30,843, would we find justifications to those items as a
7 business expense?

8 MR. MURPHY: Objection as to form.

9 A I'm sorry. That's not -- that's not for me to judge
10 that. I don't have justification for anything that happens. I
11 just follow through; I plug in the information. It's the
12 accountant's job to decide what needs to be eliminated and what
13 needs to be kept on. That's not me; I'm not the accountant.

14 BY MR. TOWNSEND:

15 Q Ms. Balsara, are you aware that Sitaraman Jagannath was
16 arrested at the airport in December 2019 trying to leave the
17 country?

18 A No.

19 Q Are you aware that his bank accounts were frozen as
20 part of the FBI's investigation?

21 A No.

22 Q Are you aware that Shiv's bank accounts were frozen as
23 part of FBI's investigation?

24 A No, I did not.

25 Q Are you aware that Shiv considered testifying against

1 Sitar -- Sitaraman Jagannath at his trial?

2 A Sorry, say that again. Against him?

3 Q Are you aware that Shiv Kumar considered testifying
4 against Sitaraman Jagannath at Sitaraman Jagannath's trial?

5 A No.

6 Q Are you aware that Shiv and Jag agreed to provide \$15
7 million to International Paper in exchange for International
8 Paper dropping their civil suit against them?

9 A No, I'm not.

10 Q Are you aware that Sitaraman Jagannath admitted that he
11 received funds from DGS and Mid South that were transferred to
12 bank accounts controlled by him?

13 A No, I'm not.

14 MR. MURPHY: Objection as to form.

15 BY MR. TOWNSEND:

16 Q Okay. Ms. Balsara, when was the last time you spoke to
17 Shiv?

18 A I met him on New Year's Eve at a -- at a New Year's Eve
19 party with common friends, but not talking about work. It's a
20 social event.

21 Q What do you mean New Year's Eve? That's New Year's
22 Even in 2023?

23 A Yes.

24 Q So eight days ago?

25 A Yes.

1 Q And you did not bring up the fact that you were going
2 to testify in this matter with Mr. Kumar that night?

3 A No, it was a social event with families and I did not.
4 But I did tell him that I was called to testify. I did call him
5 and told him that. I told him that in December.

6 Q Okay. That was my next question.

7 Do you recall exactly when in December you told
8 Mr. Kumar?

9 A I told him when I received the letter, why am I getting
10 called to testify? I don't work for either of these companies.
11 I've worked for DGS. I haven't worked for them for three years
12 now, and I don't see why I need to be pulled into all of this,
13 and why it should be taking up my time.

14 So to tell you the truth, to go on record, I'm
15 frustrated that it's taking up more than six hours of my time.
16 This is really frustrating for me. I have nothing to do with
17 the insurance company or International Paper. This is just my
18 time that you folks are taking up. I really don't appreciate it
19 because I have nothing to do with any of this.

20 Q What do you mean you have nothing --

21 A I don't -- I don't work for IP. I don't work for the
22 insurance company, right? I worked for DGS. That was three
23 years ago. What they did and the things you just asked me
24 questions about, I was never aware of it. I mean, it's got
25 nothing to do with me.

1 I was like an admin or HR person or, you know, the
2 person that did accounts receivable and payable. I just
3 followed instructions. If you have a secretary, she follows
4 instructions. She's going to do what ask her to do, right?
5 Beyond that she cannot be responsible for what you're doing.

6 Q When you say "I had nothing to do with this," what is
7 "this"?

8 A Whatever they as brothers -- now you're saying they're
9 brothers or half brothers, whatever they are, whatever they have
10 been doing, or they're being in business together. I have
11 nothing to do with any of that, right?

12 How the -- how Shiv ran the business, I have nothing to
13 do with it. I was just following instructions like any admin
14 person would do.

15 Q Okay.

16 MR. TOWNSEND: Ms. Balsara, we're about done. We
17 just want to take a five-minute break. I'm going to review
18 my notes, then we can come back on the record. I expect I
19 might have maximum of one or two questions. But we're about
20 there, so maybe we'll take a break for five and come back at
21 2:05 Eastern and whatever that is on the Pacific time.

22 VIDEOGRAPHER: This ends Media 3. We now are going
23 off the record. The time is 11:00.

24 (Off the record.)

25 VIDEOGRAPHER: This begins Media 4. We're now back

1 on the record. The time is 11:06.

2 BY MR. TOWNSEND:

3 Q Ms. Balsara, I have one last question for you.

4 When you spoke to Shiv Kumar in December, when you
5 called him, did he tell you to say anything in your deposition
6 testimony?

7 A Be honest is what he told me.

8 Q Okay.

9 MR. TOWNSEND: I have no further questions. Thank
10 you.

11 MR. MURPHY: I have no follow up. Thank you very
12 much, Ms. Balsara.

13 WITNESS: Thank you.

14 REPORTER: Okay. Go ahead, Nathan. I'm sorry.

15 MR. TOWNSEND: Well, Judy, I was about to ask you,
16 is Ms. Balsara free to go? I'm happy to help with spellings
17 and anything else you might need.

18 REPORTER: Okay. I'm just going to get orders on
19 the record, and then Terry can read us off, and then get a
20 few of the spellings.

21 MR. TOWNSEND: Thank you. Great.

22 MR. MURPHY: Thank you.

23 REPORTER: Okay, and Mr. Murphy, do you want to
24 order?

25 MR. MURPHY: Yes.

1 REPORTER: Yep. And then, Nathan, you want to
2 order?

3 MR. TOWNSEND: I would like to. And, Judy, do you
4 mind giving a timeframe of when you think a standard order
5 would -- if we did it by standard, like when it would
6 arrive, roughly?

7 REPORTER: Yeah. Today's Monday -- a week from
8 Friday.

9 MR. TOWNSEND: Okay. Yeah. That -- that should be
10 okay. So, yeah, standard order for me as well.

11 VIDEOGRAPHER: Mr. Townsend, would you -- would you
12 like a copy of the video?

13 MR. TOWNSEND: That would be great and whatever the
14 standard format is, Terry. Whatever we usually do.

15 VIDEOGRAPHER: You have a standing order.

16 MR. TOWNSEND: Oh, we do.

17 VIDEOGRAPHER: I mean, no, I was asking. Do you
18 have a standing order?

19 MR. TOWNSEND: Oh, I don't know. So whatever
20 people usually ask for.

21 VIDEOGRAPHER: Well, video sync is what seems to be
22 the popular thing now.

23 MR. TOWNSEND: Okay. Let's do it then.

24 VIDEOGRAPHER: Okay. I guess we'll close out.

25 REPORTER: Okay. Hold on. Just one second.

1 Mr. -- yeah. Mr. Murphy, do you want a -- I can
2 send you rough draft, and then the final and you'll get it a
3 week from Friday. Would you like a rough draft?

4 MR. MURPHY: Yeah, that'd be great. Thank you.

5 REPORTER: Okay. Same with you?

6 MR. TOWNSEND: I'd like one too.

7 REPORTER: You got it. All right.

8 VIDEOGRAPHER: Okay. We are off the record at
9 11:48 a.m., and this concludes today's testimony given by
10 Jyotika Balsara. The total number of media used was four
11 and will be retained by Veritext Legal Solutions.

12 (The deposition of Jyotika Balsara, Volume 2, was
13 concluded at 11:08 a.m.)

14 (Signature was reserved.)

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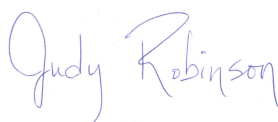
25

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS.
 COUNTY OF KING)

I, Judith A. Robinson, Certified Court Reporter and an officer of the Court under my commission as a Notary Public, in and for the State of Washington, do hereby certify that the foregoing deposition was transcribed under my direction; that the transcript of the deposition is a full, true and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of any of the parties to the action or any attorney or Counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of January, 2024.



Judith A. Robinson, Notary Public
 in and for the State of Washington
 residing at Seattle.
 My Commission expires November 4,
 2024.
 CCR License #2171

1 Nathan Townsend, Esq.

2 nathan.townsend@klgates.com

3 January 17, 2024

4 International Paper Company v. Beazley Insurance Co., et al.

5 1/8/2024, Jyotika Balsara (#6382840)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-ny@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

1 International Paper Company v. Beazley Insurance Co., et al.
 2 Jyotika Balsara (#6382840)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

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23 _____

24 Jyotika Balsara Date

25

1 International Paper Company v. Beazley Insurance Co., et al.
2 Jyotika Balsara (#6382840)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Jyotika Balsara, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Jyotika Balsara

_____ Date

13 *If notary is required

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&	11 53:21	176:6	2011 53:12
& 52:8 55:16	158:25 159:1,3	15222 52:4	73:19,25
102:22,25	159:22 164:16	159 53:20,21	2012 53:25
119:12,14,17	11/15/2013	15904 86:12	165:12 171:23
0	53:20	16 71:18 141:3	173:4,5
0003008 148:18	11/20 171:19	165 53:22,23	2013 77:10
02108 52:9	11/4/2019	16725 93:13	79:13 84:25
02789 51:6	53:18	17 67:17,19	86:6 87:4
55:1	111 53:15	141:22 183:3	173:4
08 159:20	118 53:16	171 53:25	2015 92:10
1	11:00 178:23	17662 182:17	2018 53:14
1 53:11 54:21	11:06 179:1	17th 119:24	59:1 68:12
72:14,16 73:2	11:08 181:13	182:15	84:25 119:24
93:12 97:25	11:28 99:19	18th 57:2	145:16
100:12 155:14	11:30 97:6	1900 52:4	2019 73:19
1.65 149:3	11:35 99:20	1992 141:7,10	102:10 129:13
153:23 154:1	11:48 181:9	1:00 144:3,4	129:14,22
155:14 157:19	12 53:22,23	1st 59:1	130:5 175:16
1/1/2018 53:13	137:18,21,22	2	2020 131:24
1/8/2024 183:5	165:3,5	2 51:10 53:12	132:6,7 163:11
10 53:20,21	123 53:17	54:2,22 66:15	164:7
152:8 155:24	125 54:3	85:10 100:15	2023 56:24
158:24 159:1,5	13 53:23 165:3	144:10 149:6,9	176:22
159:8	165:19,20	157:18,19	2024 51:12
10/17/2018	131 53:18	181:12	54:2,8 56:25
53:16	135 72:19	2.00 153:24	182:15,20
100 74:11	73:15	155:15	183:3
80:22 87:17	13th 73:19,24	20 58:9 68:19	210 52:4
103-179 53:6	14 53:25 63:13	185:15	2171 51:25
106 53:14	63:14 71:14,18	2000 141:25	182:20
109 169:3	140:5 167:21	142:3,11 143:2	21st 56:24
10:00 144:5	171:12,17	143:14 173:9	22 92:10
10:03 144:14	148 53:19	2000s 141:10	24 53:12
	15 66:2 97:15	2007 141:2	169:12,14
	99:23 106:6		

24th 77:10	412.355.6368	8	access 57:15
25 53:14	52:5	8 51:12 53:18	113:5 148:8
2500 112:18	463 172:13	54:2 131:16,18	164:24
25th 52:9	174:15	133:10 141:2	accomplish
145:16	463.95 169:18	145:5,6	89:21
2:05 178:21	170:18	8/27/2015	accordance
2:22 51:6 55:1	49 169:16	53:17	63:10
3	4th 129:13,14	8/31/2017	account 56:21
3 53:13 56:14	5	53:19	57:12,13
56:15,17,24	5 53:15 59:12	85 53:12	103:23 113:4
57:1,7 58:5	111:21,22,24	865 171:2	130:20 143:19
68:17 73:13	136:4	8:29 100:13	157:22
88:5 144:13	56 53:13	8:36 100:16	accountant
161:21 178:22	56-103 53:5	8th 54:8 56:25	143:3,7,15,19
30 127:14,16	565 169:12	9	143:21 164:20
128:1 144:3	567 170:15	9 53:19 141:2	168:15,21
183:17	6	148:4,5,17	169:10,23
30,000 113:1	6 53:16 59:11	155:24 158:21	170:1,4,6,7
171:3	62:2 118:19,20	98003 54:4	172:21,23,25
30,842.72 171:4	6382840 183:5	9:51 144:11	173:25 174:3,9
30,843 172:8	184:2 185:2	a	174:10 175:3
175:6	6th 52:4	a.m. 51:11 54:3	175:13
309th 54:3	7	54:8 181:9,13	accountant's
35 128:8	7 53:17 123:13	ability 182:11	174:11 175:12
149:16,20	123:15 125:24	able 57:9,16	accountants
168:11	134:12,12	89:23 125:10	164:23 173:24
4	71 169:4	150:1,5 151:15	accounting
4 53:14 106:8	72 53:11	151:20	68:7 134:15
106:12 134:24	748.71. 168:12	above 183:6	137:9 143:21
145:9 178:25	7:00 51:11 54:3	185:7	165:11
182:19	7:06 54:8	absolutely	accounts 68:10
4/9/2013 53:22		147:20,22	71:23 81:24
41 127:4		169:9	84:25 92:21,21
			92:23 104:19
			113:4 115:17

115:24 142:23 142:23 147:10 175:19,22 176:12 178:2 accuracy 183:9 accurate 79:4 113:14,15 120:18 139:19 139:23 acid 66:3,7 87:8,14 102:16 acknowledge... 185:3 acknowledg... 183:12 acronym 76:4,6 action 51:5 55:7 182:13 activities 79:25 activity 84:17 actual 72:3 97:22 actually 56:13 56:21 57:4 59:12 68:6 69:5,8 74:6 75:24 102:5 105:24 106:11 124:7 125:10 140:5 145:2 152:12,13 158:24 167:3 168:16 adam 101:23	added 64:6 69:3 82:2,2 126:11 addition 64:22 additional 90:8 additions 185:6 address 83:20 92:20 103:24 103:25 104:5,9 104:14 105:20 105:22,23,25 107:6,15 110:21 140:13 145:23,25 146:16 147:9 147:19 addresses 145:22 addressing 58:12 73:12 145:16,19 146:4,4 adjust 101:1 adjustments 101:8,12 admin 105:15 140:2 143:19 157:22 178:1 178:13 administrative 143:23 admitted 176:10 advantage 75:17 108:17	129:24 affect 161:25 affiliations 55:10 affixed 182:15 agents 163:20 ago 107:25 112:23 138:8 159:12 161:11 166:21 176:24 177:23 agree 54:15 96:24 agreed 115:1 125:11 176:6 agreement 65:19 67:18,25 68:4 agreements 82:9 83:11 agrees 163:19 ah 106:14 ahead 56:13,17 58:10 71:10 85:12 100:1 101:7 104:14 104:18 141:12 147:11 148:3 150:17 153:16 174:3 179:14 airport 175:16 al 54:24 183:4 184:1 185:1 alabama 75:2	alias 146:10,14 allen 68:14 85:5,18 86:4,5 105:1 107:2 108:16 110:21 112:18,20 113:16 114:21 138:2,13,15,24 139:2 140:24 143:1 151:24 152:1,3 allen's 115:3 152:20 allotted 183:20 american 51:6 amount 85:4 115:25 123:24 130:20 167:4 169:16 170:17 172:8,10 amy 77:14,16 anish 147:16 annual 69:14 69:14 76:16,17 113:7 annually 69:16 answer 57:7 69:23 90:24 96:4 109:19 115:7 117:2 121:19 129:3 130:17 131:11 135:22 140:1 155:7 162:8
---	--	--	---

answered 133:2 answers 119:20 anticipate 61:21 anybody 140:1 anymore 93:9 131:15 anyway 164:24 apart 76:20 79:23 152:6 apologies 111:18 140:5 apologize 65:4 138:11 appearance 55:12 appearances 55:10 appears 73:13 appended 185:7 applicable 183:8 application 59:24 95:6,21 96:6 applied 95:1,5 95:11 apply 60:16,17 60:19,22 appreciate 56:10 70:17 123:17 129:6 162:15 171:18	177:18 approached 110:7 125:10 appropriate 82:6 approximate 99:9 approximately 72:19 78:18 79:9 april 86:6 areas 91:4,6 ariba 134:5,5 134:13 arnold 135:4 136:1,1 140:13 140:16 arrange 114:2 arranging 116:19 arrested 175:16 arrive 151:23 180:6 asa 65:9 78:2 78:10 79:6 aside 108:25 115:3 116:7 117:24 asked 62:21 70:9 74:12 95:25 131:11 131:13 132:1,5 133:2 158:16 177:23	asking 64:5 65:11 72:20 81:16 87:1 90:1,2 102:9 107:24 125:4 129:10 143:13 172:19 180:17 assist 84:7 98:4 associate 77:4 assume 74:11 assuming 69:16 69:19 98:2 assumption 117:13 attached 183:11 attachment 53:21,23 63:15 63:21 65:22 66:11 71:2,5 71:11,13,22 88:5 158:19 159:22 160:25 165:2,21 attachments 63:9 70:21 attempt 106:4 118:18 attending 55:9 attorney 52:2,7 55:13,14 182:11,13 183:13 audio 54:14	auditing 119:16,17 august 53:14 145:15 augusta 128:23 automatic 113:3 available 85:4 115:19 183:6 avenue 52:4 avoids 90:3 aware 63:4 108:24 109:4,8 109:9,20 111:4 121:24 122:11 122:14 127:3,9 127:17 128:18 129:2 136:23 136:25 137:17 138:5,23 140:18,19 145:1 146:12 155:2 156:9 162:9,13 164:5 164:7,9,12 175:15,19,22 175:25 176:3,6 176:10 177:24 b b 53:8 166:22 back 66:25 76:4 87:5 90:4 90:4 99:20 100:15 119:20 144:4,13 145:8
--	---	--	---

156:20 162:21 168:22 170:5,7 178:18,20,25 backup 115:19 139:6 bad 58:8 balance 89:15 balsara 51:9 53:3 54:2,23 56:2,8,25 57:8 57:14 58:6 68:3 73:17,22 79:19 90:24 92:11 96:4 97:7,24 99:22 100:18 103:8 103:12 106:2 106:22 111:17 111:20 118:17 123:2,15 129:6 129:12 131:22 144:5,16 147:15 148:2 148:22 159:4 159:21 160:25 161:10 164:17 165:24 166:4 166:15 171:18 171:21 174:13 175:15 176:16 178:16 179:3 179:12,16 181:10,12 183:5 184:2,24 185:2,4,12	banana 169:18 169:25 170:17 171:9 172:13 172:16 174:15 bank 113:3 134:14 175:19 175:22 176:12 bar 69:11 based 58:22 63:22 64:12 70:19 73:23 78:1,15 79:24 83:6 126:5 basic 132:5 basically 133:22 137:8 basis 94:18 112:16 113:7 bates 63:18 66:2 67:20 68:21 71:14 77:6 79:17 83:14 93:12 96:22 97:25 102:6 148:18 159:20 bcc 146:3 bear 72:24,25 171:1 beazley 51:6 52:7 54:24 55:15 183:4 184:1 185:1 beginning 55:12 84:21	87:3 134:9,10 140:2 165:10 173:21 begins 100:15 144:13 178:25 behalf 55:15 59:7 86:22 95:11 101:12 belcher 101:23 believe 66:9 68:23 76:14 80:22 83:5,22 92:1 93:8 94:8 94:8 95:1 105:2,7 107:5 109:25 112:13 115:1 117:18 121:8 124:24 125:7,9 129:23 135:5 138:2 139:19,23 141:2,9 145:3 146:12 152:22 153:13,15,17 159:7 165:19 173:4,5,5 benefit 89:20 91:5 94:4 98:17,25 99:10 117:25 benefits 94:1 best 182:11 better 153:9,18 153:19 154:1 156:5	beyond 142:9 142:13 178:5 bid 61:16,17 153:8,8 bidders 69:10 bids 156:3 big 129:7 151:16 155:23 156:18 157:4 bigger 165:11 bills 170:9 bisulfite 74:15 74:18 bit 67:11 81:9 97:3 132:21 138:10 148:3 150:25 blanks 63:1 bleach 79:25,25 80:6,21,22,24 89:4 block 77:21 172:1 blow 73:6 board 86:5 bob 83:10 book 144:22 167:19 booked 167:14 bookings 144:23 boston 52:9,9 bottom 59:12 63:18 66:2 67:20 68:20
---	--	---	--

102:6,7 141:25 161:19 172:1 boudreaux 89:1,8,21 break 97:6,16 99:21 125:21 144:2,4,6 178:17,20 brenntag 149:2 150:13 151:16 153:23 154:3,5 154:9 155:14 157:17 brenntag.com 89:2 bring 177:1 broaden 62:14 brother 133:5 155:4 162:5,17 163:4 brothers 156:8 178:8,9,9 brought 171:17 brown 149:2 build 96:15 building 107:14 buildings 108:23,24 109:1,2 built 150:21 bulk 70:4 bullet 127:13 137:23	burlingame 136:8,13 business 79:25 82:20 100:6 104:20 105:15 115:25 121:23 122:3 124:24 125:20,21 131:2,5,10,13 153:20 156:3,4 156:12 161:25 162:1 167:20 167:24 168:8 168:12,16,19 169:8,20 172:13,17 173:22,25 174:22 175:7 178:10,12 busy 142:13 button 57:15 c c 52:1 82:12 87:9 88:21 166:25 167:10 170:22 182:1,1 calculate 157:10 california 51:12 108:5,8 110:22 136:8 136:13 call 76:17 84:20 150:9,23 152:10,15	160:9 177:4 called 72:7 101:22 150:7 177:4,10 179:5 calling 130:11 130:18 152:13 calls 90:22 130:12,17 154:6 camera 54:11 campti 79:3 88:19,20 89:14 capacity 90:20 174:14 carbon 162:22 card 167:15,17 167:18,20 168:4,15,25 169:10,22 170:9 172:22 174:12 care 100:5 108:18 carolina 136:22 cars 109:10,12 case 54:25 62:11 category 65:13 cc 77:14 85:24 cc'd 85:13,19 85:21 ccr 51:25 54:4 182:20 cell 167:3 170:15	cells 171:7 center 127:14 136:8,9,10,13 136:19 centers 128:20 136:5 cents 149:16,20 ceo 139:16 142:20 143:2 143:14 certain 75:8 114:22 156:5 certainly 86:25 certification 94:22,24,25 95:3,4,6 96:6 certified 95:3 182:6 certify 182:8 cgc 51:6 chain 83:7 84:8 86:11 87:8 119:9 128:9 148:11 150:15 challenge 116:2 chance 124:10 126:15 132:14 161:4 change 97:17 158:16 173:25 184:4,7,10,13 184:16,19 changes 62:18 62:24 88:3 134:14 183:10
--	--	--	---

185:6 changing 172:17,19 charge 71:23 86:17 90:12 167:25 charged 90:14 98:13 125:6 charges 89:17 89:19 90:5 91:7,7 chart 71:21 check 102:9 checking 125:24 chemical 61:15 61:16 65:17 70:1,3,8,12,14 72:8 78:10 85:4 87:2,7 88:5 97:21,22 101:12 114:19 117:5,10 chemicals 63:9 64:14,21 66:7 76:3,21 78:12 80:21 83:4,7 86:23 88:7 89:6 96:12 97:1,18 98:13 102:13 104:24 113:21,25 114:22 115:5 115:15 116:19 116:20 117:10	146:25 152:21 154:12,24 155:3 156:16 chemist 158:15 chennai 136:20 child 86:17 china 127:1,8 chinese 127:4 choose 157:7,7 circumstance 90:18 circumstances 60:22 city 51:12 134:14 civil 51:5 176:8 clare 92:9 clarification 67:13 71:1 82:11 92:5 105:10 113:6 clarified 89:18 clean 76:12,13 76:14,19 cleaning 76:17 124:7 125:12 125:15 cleanup 76:15 125:9 clear 71:13 79:17 96:4 159:19 171:20 clearly 73:23 143:13 153:6	click 57:16 client 54:19 55:19 close 158:23 161:23 180:24 code 159:17 163:21,24 164:2 cole 52:8 55:16 collection 73:16 column 64:2 69:7,8,10,11,25 112:14 113:12 166:22,25,25 167:4,10 170:13,14,21 171:2 172:10 come 67:10 110:21 118:25 144:4 151:17 152:1 178:18 178:20 comes 63:4 94:3,24 coming 54:17 58:7 90:8 101:2 118:23 130:19 145:15 148:9 154:5 159:24 166:10 171:22 comments 69:9 commission 182:7,19	common 96:17 96:18 176:19 communicate 59:21 communicated 102:24 companies 93:21 95:2 151:16 155:20 156:1,4,18 157:4,4 177:10 company 51:3 51:6,7 52:7 54:23,24 55:15 55:16 83:21 89:2 90:12 93:16 94:5,7 95:4 101:22 113:24 114:1 117:13 121:9 122:4 124:4,6 124:7,13,15,16 124:23 125:17 135:14,15 143:2,20 151:20 153:13 155:4 157:21 157:25 173:6,9 173:23,25 174:5 177:17 177:22 183:4 184:1 185:1 company's 157:8 158:10 163:21
--	---	--	--

competitor 80:24 complete 185:8 completed 137:11 183:17 complies 72:17 161:5 165:23 comply 163:19 163:20 complying 164:2 composite 58:9 72:18 73:15 93:12 computer 111:18 118:17 166:8 concluded 181:13 concludes 181:9 conditions 62:4 conduct 159:17 163:22,24 164:3 conducted 54:9 confirmed 82:18 conflict 155:4 155:10 156:6 156:10 161:22 162:13 163:10 163:25 164:12 conflicts 163:5	confused 106:13 confusion 171:17 connection 54:11 62:15 67:24 68:4 70:8 81:12 82:20 83:11 84:7 86:22 91:19 96:11 101:4 102:25 103:4 considered 175:25 176:3 consignment 67:18,25 68:4 consistent 64:16 80:3 97:5 consultant 102:21 consulting 135:15,17 consumed 152:9 contact 84:1,15 114:23,24 150:11 contacted 132:7 150:13 contains 75:25 context 80:16 continue 54:15	continuing 56:9 contract 53:11 53:13 56:18 58:24 59:3,4,5 59:7 61:5,11 61:12,18,25 62:1,11,15,22 63:5,7,8,10 64:7 65:18,19 68:12 69:9 70:20 82:14 113:24 contracted 72:8 contracts 60:23 60:25 61:1,3,8 62:9,20 controlled 176:12 controls 160:6 conversation 105:17 132:9 132:10,11 133:3 138:17 164:6,8 170:4 conversations 67:3 cooperates 118:17 coordinate 101:16 coordinated 92:22	coordinating 102:12 copied 162:22 copies 88:25 183:14 copy 159:16 180:12 core 157:1 corner 67:21 68:21 141:6 161:19 corporate 110:16,19 161:16 165:16 correct 59:15 59:16,19 60:5 62:4 64:16 65:25 66:17,18 68:13 71:15,18 71:19 73:25 74:8 75:15 76:23 77:22 78:11 80:20 81:12,24 82:3 82:7 85:7,22 86:7 89:4,5 102:10,18 107:3 108:13 109:3 113:17 113:17 114:5 121:11 124:3 127:21 130:6 131:25 135:11 137:6 142:18 142:21 144:18
--	---	--	--

146:20 149:4 149:18 151:25 153:25 154:3 159:15 162:3 163:1 167:9 168:24 169:13 169:17,19 170:19 171:5 171:11,20 172:9,12,18 175:2 182:10 185:8 corrected 81:22 corrections 185:6 correctly 69:1 89:1 correspond 96:11 corresponden... 61:2 66:6 67:11 73:16 79:16 81:8 82:8 85:16 97:22 98:21,24 108:6 119:13 140:23 corresponding 89:9 119:14 cost 124:23 counsel 55:9 99:24 103:18 182:13 183:14 country 129:17 129:21 132:4	175:17 county 182:4 couple 74:2 99:14 123:25 166:6 course 60:19 81:5 108:1 126:1 court 51:1 54:25 55:4,22 61:19 70:4 87:9 88:21 105:5 182:6,7 courtland 74:22,25 75:1 77:23,25 78:2 78:16 79:7 80:2 crack 151:18 create 61:17 128:4,17,21 135:23 136:2 136:17 141:15 141:15 created 128:25 133:16 141:1 166:20 credit 93:21 167:1,3,15,17 167:18,20 168:4,15,25 169:9,22 170:8 172:22 174:12 credits 94:4	cs 183:15 curious 108:20 current 136:4 customer 63:6 111:6,12 122:18 127:22 142:6,10,23 143:16 173:19 customers 111:2,9 141:25 142:3,4 143:2 143:4,14 173:10,16 cut 117:22 cutting 138:11 cv 51:6 55:1 d d 53:1 140:9 166:25 d1 167:3 d2 167:3 dallas 107:5 damage 90:11 darnell 108:21 113:7,9 data 76:5,8 103:4 157:25 158:3,10 date 57:22 58:25 68:12 76:10 184:24 185:12 dates 107:23 daughter 147:19	daughter's 147:15 dawn 86:8,15 87:1 day 103:9 115:23,23 132:25 182:15 185:15 days 84:13 91:8 152:8 176:24 183:17 deal 86:24 111:15 dealing 111:7 154:25 155:1,2 dealt 86:22 debit 166:25 167:10 december 56:24 57:2 73:19 84:20 92:10 130:4 131:9,23 175:16 177:5,7 179:4 decide 175:12 decision 98:22 decisions 99:7 161:25 declare 185:4 deductions 165:16 172:5 deemed 185:6 defendant 52:7 55:15
---	--	--	--

defendants 51:8 defer 97:16 definitely 123:8 definition 114:8 defoamer 140:6 140:9 degree 117:7 delay 84:4,13 84:16 delayed 84:9,11 delays 84:7 deliver 72:9 98:10 114:9 delivered 64:2 64:5,7,9 81:4 149:3 deliveries 68:7 101:13 113:21 113:23 114:8 114:14 delivering 63:24,25 114:3 118:10 delivery 64:10 64:11 79:25 88:15,18 101:1 101:4 102:15 113:24 114:1,2 114:15,23,25 115:23 118:5,8 denny's 167:22 167:25 168:3	depending 88:3 depends 54:10 99:16 155:8 deponent 183:13 185:3 deposing 183:13 deposition 51:9 54:1,9,22 55:1 56:9 64:13 179:5 181:12 182:9,10 description 53:9,15 113:12 113:14 desk 60:19 details 75:22 83:18 dgs 58:23,24 59:7,20 60:13 61:9,12,18 62:10,16 63:10 63:22 64:15 65:17 67:2,5 70:21 73:24 74:17 76:12 78:1,15 79:13 79:24 80:5,17 80:24 82:20 83:7 84:6,18 86:22 87:14 88:7 92:2,14 94:6 95:5,11 96:25 97:17 98:16,24 99:9	99:10 100:24 101:12,16 104:24 107:11 108:11,23,25 109:1,5,8,10,12 109:14,22 110:24 111:2,5 111:5,12 112:16,21 113:14,20,24 114:8 115:4 117:11,25 119:18 120:11 120:15,15,18 120:21,25 121:3,8,9,15 122:4,12,17,21 122:25 124:1,4 124:12,17,19 124:22,25 125:2,5,13 126:20 127:1,4 127:7,11,16,19 127:25 128:12 128:14,15,19 128:22 129:12 129:19 130:9 130:25 132:5 134:2,5,22 135:13,17,20 136:1,7,12,14 136:19 137:1,7 137:12,15 138:1,16,21,25 139:4,12,20,24	140:6,8,17,22 141:1,4,9,23 142:3,20 143:4 143:14 149:16 149:19 150:20 151:1,24 152:20,25 153:13 154:24 155:3,15,24 157:10,24 158:2,17 162:4 163:4,25 164:2 164:23 165:16 166:19 167:7 167:19,24 168:13,19 169:8,20 172:13 174:15 174:22 176:11 177:11,22 dgs's 80:19 96:11 127:22 130:3 144:17 158:6,9 164:17 164:23 165:12 170:2 173:1 dgs0001129 63:19 71:15 dgs0001136 68:21 dgs0002320 77:7 dgs0003567 88:12
--	---	--	--

dgs0005633 171:21	162:16 163:4 163:25	59:10 60:9 65:23 68:18,25	draft 181:2,3
dgs0006178 79:18	disclosed 162:19,19	70:19,24 71:3 71:4,7,8,9,18	drafted 112:12
dgs0016 159:20	163:17	71:24 72:2,13	drop 90:7 99:1
dgs002148 83:15	disclosing 163:1,10	73:3 74:3 81:7	dropped 90:9 90:15 98:10 99:17
dgs003 148:18	discount 117:14,16	83:14,16 84:1	dropping 176:8
dgs1051 102:6	discrepancy 98:11	84:5 86:21	drops 90:13
dgs1053 102:7	discuss 142:13	88:12 93:11	duck 169:4,6
dgs1130 66:2	discussed 98:18	97:24 99:5	due 100:5 130:20 153:8
dgs1132 67:20	170:18	102:2,5 112:9	duly 56:3
dgs15902 86:12	discussing 113:22	112:11 113:13	dzenis 83:19
dgs16724 93:13	distribute 174:10	148:22 161:10	e
dgs17226 92:8	distributed 172:24	163:1,3,9	e 52:1,1 53:1,8
dgs17445 97:25	distribution 122:25 136:4,7 136:9,13,19	documentation 72:4	56:6 65:1,1
dgs2922 96:22	district 51:1 54:25,25	documents 60:15 63:16	70:5 91:17,17
dialing 129:18	diverse 94:16	doing 58:12 62:19 68:7	92:6 103:15
different 78:10 78:12 82:25 84:23 85:2 93:3 116:1,10 116:10 134:9 143:21	diversified 163:18	95:14 103:5	105:6 106:19
dilute 102:9	diversifiedgl... 86:3 140:14	116:7 131:10	119:13 140:9,9
direct 63:12	diversity 93:19 94:1,3,19	137:9 157:21	182:1,1 184:3 184:3,3
directed 85:22	document 53:15 58:9,17 58:20,21,25	178:5,10	e.g. 120:15
direction 182:9		domain 83:21	earlier 56:10 62:8 64:12
directly 92:19 117:10 142:18 143:3,15,22 150:19 154:2,4 154:25 155:2		domestic 144:24	68:15 71:14
disclose 132:21 161:22 162:4		download 58:11 123:16 148:8 173:3	73:22 82:18
		downloaded 125:25 133:10	105:9 147:4
		downloading 73:14 131:19	early 73:18 132:6
			easier 173:24
			eastern 144:4 178:21
			eastover 66:3

easy 174:3 eat 168:2 echo 76:12,13 76:14 eco 76:15,18 124:1 125:9 ecobad 93:16 edits 62:18 effort 92:22 96:25 100:9 efforts 98:12 100:24,25 eight 176:24 either 81:12,18 82:14 85:17 108:6 151:4 177:10 eliminate 169:23 170:2 eliminated 75:13 175:12 email 53:14,16 53:17,19,21,22 53:23 59:22 74:7,24 75:21 76:13 77:9,21 79:19,23 83:20 86:2,11 87:1,8 87:25 88:18,24 89:11 90:18 91:10,19 92:8 92:8,11 93:18 96:15,21,25 98:1,4 103:24 103:25 104:5,9	104:14 105:23 105:25 108:6 119:9,23 120:1 120:7,11 122:16 140:13 145:15,16,22 145:22 146:5 146:15 147:9 147:19 148:7 148:11 149:5 150:14 158:19 158:25 159:11 159:22 160:25 162:25 164:3 165:2,8,21 emailing 146:2 159:13 163:14 163:16 emails 73:16,18 77:3 85:14,19 95:8 99:8 101:3 149:6 emmett 77:3 employed 182:13 employee 138:18 161:24 161:24 162:1,6 182:12 employees 121:10,12,16 121:22 127:16 137:24 138:1 139:20,24 161:23 163:19	empty 57:19 emurphy 52:10 encompasses 171:6 ended 130:4 131:15 endoscopy 168:12,13 ends 100:12 144:10 178:22 engineer 158:15 engineering 117:5 ensure 114:15 114:18 115:4 115:14 116:2 151:15 ensuring 85:3 102:15 151:23 entire 58:15 89:24 91:3 98:3,9 119:4 entitled 69:8 entity 165:16 entries 175:5 entry 70:8 environment 138:4 ernst 102:22,24 119:12,14,17 errata 183:11 183:13,17 especially 70:23 84:25	87:3 150:2 esq 183:1 established 141:6,9,10 estate 109:5 et 54:24 183:4 184:1 185:1 ethnic 94:10 ethnicity 94:9 eugene 52:8 evaluate 168:16 eve 176:18,18 176:21 event 176:20 177:3 events 100:23 101:13 everybody 73:9 exactly 177:7 examination 53:2 54:1 examined 56:4 example 72:3 79:1 82:1,5 88:14 101:1 103:3 157:17 examples 98:24 99:9 excel 53:24 165:20 166:15 166:18 168:4 168:22 169:2 169:23 170:9 170:13 171:7
---	--	--	---

172:22 173:7,8 173:10,18 174:2,7,12 175:1 exchange 176:7 excuse 71:9 74:18 149:12 executed 61:9 exhibit 53:11 53:12,13,14,15 53:16,17,18,19 53:20,21,21,22 53:23,23,25 56:13,13,14,15 56:17,22,24 57:1,7 58:5,9 58:12,15 62:2 62:3,4,8 67:18 68:17,23 71:17 72:14,16,18,22 73:2,13,14,15 73:24 78:20 79:10 85:10 88:5 93:12,12 94:21 97:25 100:22 101:20 101:22 106:2,6 106:8,12 111:17,21,22 111:24 112:3 118:18,19,20 123:3,13,15,25 125:24 129:7,9 131:16,18 133:10 145:2,3	145:5,6,9,9 148:2,4,5,15,17 158:24,25 159:1,3,5,7,8 159:21,22 160:3,5 162:22 164:16 165:3,5 165:19,20 166:8 171:12 171:15,16,17 172:11 exhibits 57:5 57:10 62:1 97:14 99:22 102:19 158:19 159:4 164:25 exist 67:2 117:17 existed 117:25 146:13 expect 178:18 expectation 63:16 expedite 81:9 expense 164:23 165:13 167:4 167:18,19,21 168:10,17 169:8,20 170:1 171:10 172:13 172:17,17 174:15 175:7 expensed 166:23	expenses 165:13,15 167:11,12,13 167:14 168:4,8 168:14 169:10 170:12 172:24 173:3 experience 63:22 66:8 72:7,11 75:9 78:1,15 79:24 83:6 88:6 98:23 experienced 165:11 expires 182:19 explain 157:10 158:2 explained 157:19 extent 156:19 extra 89:16 150:3 151:21 f f 87:9 140:9 182:1 facilitated 99:10 facilities 81:3 121:16 122:12 122:25 facility 66:16 127:1,7 150:3 fact 177:1	fails 183:19 fair 67:10 69:23 70:17 77:6 88:11 101:25 faith 151:11 fall 65:12 familiar 67:11 84:3 85:18 101:22 102:21 104:2,16 105:3 133:19 families 108:18 177:3 family 100:5 far 63:2 75:11 93:20 97:23 105:11 106:14 114:15 149:22 152:2 165:18 174:14 fashion 102:16 fbi 131:23 132:1,22 133:7 162:10 163:12 fbi's 175:20,23 federal 54:3,5 fee 64:11 feedback 74:13 fielding 103:9 fifth 59:9 122:16 file 131:19 filed 54:24
--	--	---	--

filing 165:13 fill 84:13 final 170:11 181:2 financial 103:4 164:23 financially 55:8 182:14 find 56:19 81:5 101:19 116:15 116:16 151:9 159:16 162:13 175:6 finding 100:22 152:14 fine 84:6 87:13 87:24 95:10 117:23 159:8 finish 61:20 85:12 97:14 120:8 finished 112:24 firm 55:5,16 102:21 143:21 165:11 first 56:3 58:16 62:2 65:15 72:21 73:3,22 83:16 87:21 93:17 98:6 103:18 105:17 106:23 110:6 119:3,8 126:5 126:5 133:13 133:15 134:15	134:17 137:23 141:20 145:3 148:17 161:13 163:18 165:1,6 171:20 fitness 169:12 169:14 five 59:3,5 62:22 112:4 121:10 178:17 178:20 floor 52:9 flow 93:9 focus 115:23 151:21 focused 69:10 89:11 142:12 focusing 57:22 99:5 fold 84:17 folder 56:24 57:2,18 folks 107:24 150:22 156:15 177:18 follow 145:8 175:11 179:11 followed 178:3 following 54:6 164:10 178:13 follows 56:5 178:3 foregoing 182:9 185:5	form 59:22 61:6 68:1 75:5 75:6,9,12,17 85:8 101:6,11 109:15,18,23 114:6,11 115:6 116:22 117:1 117:12 118:2 121:18 122:5 125:18 128:2 128:24 135:21 136:16 141:11 143:5,18 149:21 153:5 153:14 154:6 155:6 162:7 164:4 168:1,14 173:13 174:24 175:8 176:14 format 180:14 formation 147:5 formed 147:3 forms 119:21 formula 171:7 forth 119:20 forward 75:20 83:13 foster 51:12 found 56:21 57:12,13 163:11 164:7 foundation 85:8,9 122:5	four 100:4 121:10 126:19 181:10 fourth 64:2 franklin 77:1 79:2 128:19,23 fraud 132:20 fred 77:10,12 77:16,18 free 119:4 179:16 freight 89:17 89:19 90:5,11 90:12 91:7 friday 180:8 181:3 friendly 76:15 76:18 124:1 125:9 friends 176:19 frozen 131:1,2 131:4 175:19 175:22 frustrated 177:15 frustrating 177:16 ftt 89:18 full 89:13,15,23 89:25 90:7,10 90:17,19 98:9 127:14,16 128:1 182:10 funds 176:11
--	---	---	--

further 72:12 103:10 179:9	getting 93:20 116:1,2 130:12 130:21,22 133:18 153:9 158:25 177:9	175:5 177:14 179:14,16	168:9 169:11 170:13,20 171:14,15 174:5 177:1 178:4,17,22 179:18
g		goes 57:25 71:18 86:12 97:23 98:22 102:6 106:5 114:15 172:25	good 54:7 55:17 56:8 73:7 78:21 144:1 150:8 151:11 152:6,8 155:9,10,18 156:6,12 157:5 157:6
g 126:22 gain 94:1 gallon 149:3,6 149:9 157:18 gapac.com. 83:19,20 gates 52:3 55:18 gds 68:5 gene 55:14 56:23 123:7 general 65:21 93:17 99:6 156:18 generally 64:19 81:20 91:14 generate 68:25 71:21,24 generated 69:5 70:21,23,24 71:11 72:5 generic 88:2 gentleman 68:14 105:11 106:15 georgetown 66:15 87:19 110:6,10,13 georgia 83:22 83:24 84:2 133:16	give 58:19 78:21 101:19 166:3,6 given 99:7 129:18 181:9 185:9 giving 99:1 151:21 180:4 global 163:18 go 54:15 56:13 56:17 57:15 58:10 71:9 73:19 79:16 81:10 83:18 85:12 87:5 93:9 95:8 98:6 98:7 99:3,22 100:1,4 101:7 104:18 105:16 106:15 125:16 134:24 137:3 141:12 144:3 145:8 147:11 150:17 153:16 153:18,19 154:2 155:21 155:25 157:19 159:21 165:5 168:9,9,11 169:3,3 174:3	going 57:21 58:7,10,16 61:12,22,22 62:22 63:23 64:9 65:16 66:3 71:25 72:9,19,24 73:2 74:11 75:20 79:2 82:14 90:12 93:2,15 97:4,5 97:14,15,16 98:9 99:20,22 100:12 101:20 106:4,11,18 111:17,20 112:3 118:18 119:3 123:3,10 126:19 129:7,9 131:10 137:13 138:3 144:10 151:21 152:17 153:19 155:21 157:6 158:4,11 158:18,18 160:2 161:1,2 161:8 164:15 164:25 165:1	goods 120:12 122:17,22 gotten 72:9 167:17 government 94:4 117:19 governmental 95:18,20,22,25 96:5 gravity 87:1 great 56:8 58:21 119:1 126:4 148:19 179:21 180:13 181:4 greg 149:2 grew 174:1 group 94:10 grow 174:5 growing 173:23 174:6

guard 101:23 102:1 guess 57:6,25 69:21 126:5 160:10 180:24 guest 57:16 guided 98:7 guilty 96:2 gunars 83:19 gym 169:15	happen 81:20 93:2 99:13,14 happened 122:9,15 127:2 141:14 happening 130:10 happens 175:10 happy 162:21 179:16 hard 157:1 harden 96:8 harvey 101:3 101:14 hats 92:20 99:7 heading 134:24 135:25 headquarters 110:17,19 heard 54:13 105:4,4 151:2 151:18 heather 108:21 113:9 115:19 139:5 140:24 143:1 heather's 113:17 help 67:6 89:1 98:16 99:14 130:18 147:11 151:8 164:17 179:16	helped 88:1 118:8 helpful 89:14 hereto 182:14 185:7 hereunto 182:15 hey 72:8 152:17 hired 165:10 hm 72:24 hold 57:11,22 64:25 71:3,6 95:23 180:25 holiday 115:19 home 108:9,14 108:15,18,21 129:24 homes 116:13 honest 179:7 hop 151:8 hotel 144:22 hour 97:11,12 169:12,14 hours 100:4,4 139:9,12,17 177:15 houser 59:18 59:21 60:1 hover 160:6 hr 140:2 178:1 huh 61:24 69:4 70:2,6 73:1 77:8 85:15 126:1 127:12	135:12 137:25 140:7 170:23 hurricane 101:2,3,14 husband 147:19 husband's 147:16 hydrochloride 78:4 hypo 78:6,7 hypochloride 64:22 78:5 hypochlorite 64:14 78:2,10 78:13,16,19 79:2 88:9 120:16 150:14
h	h 53:8 106:19 184:3 half 79:13 90:3 90:3,14,15,16 91:2 97:11,12 98:8,10 133:5 156:8 162:5,16 163:3 178:9 hand 67:20 68:21 112:14 112:15 141:6 161:19 182:15 handle 79:25 122:17,21 173:1,2 handled 113:3 114:21 115:12 116:18 142:22 handles 114:8 handling 113:20,23 115:23 140:21 140:25 143:23	h	i
			icon 160:5,6 icons 160:5 idea 74:2 78:20 78:21 110:18 117:8 126:17 127:6 136:21 139:18 141:14 141:16,20 142:4 144:21 147:20,22 154:13 162:18 162:20 163:17 169:7,9,21 identification 63:8 73:20

identified 64:18 65:13,22 66:11 68:15 70:3 identifies 63:9 identify 68:18 82:19 83:6 impacted 100:23 implement 134:18 implementati... 67:24 implies 128:15 imports 102:25 inaudible 89:14 112:16 157:5 include 82:1 135:19 136:1 171:9 included 97:21 98:21,23 99:8 income 164:22 165:13 incoming 101:2 incorporated 64:10 incorrect 81:19 123:6 increase 124:22 incurring 174:15 india 136:20 indian 94:14	indicating 163:4 individual 84:2 116:13 119:11 132:14 individuals 129:19 information 62:25 71:20 93:22 94:2 133:1 164:23 170:8 174:12 175:1,11 initially 133:16 initiatives 137:19 inquire 114:25 inquiries 74:12 inside 145:2 instance 146:2 146:10 149:16 153:22 159:14 instruct 157:24 instructions 178:3,4,13 insurance 51:6 51:6 52:7 54:24 55:15,15 177:17,22 183:4 184:1 185:1 inter 54:11 interest 155:5 156:10 161:23 162:1 163:5,10	164:12 interested 55:8 182:14 interests 163:25 internation 99:24 115:14 international 51:3 52:2 54:20,23 55:19 55:20 59:7,15 60:23 61:3,9 61:13,18 63:2 64:1,2,11,15 65:23 66:8 69:1 70:9,22 74:18,18 77:3 81:6 82:15 83:8 84:22 92:17 93:1,19 98:25 99:11 100:2 102:25 103:5,13 104:22 110:16 111:6,7,14,15 113:21,25 114:4,16,18 115:5,25 116:5 116:20,24 117:9,14,18,25 118:3 121:6 124:2,5,21,22 125:2,8,14,16 125:20 127:5 127:19,23,24	127:25 129:13 129:20 130:4,8 130:11,13,13 130:17,20,25 131:4,10,14 134:6,8,13,14 134:16,19,21 134:22 137:4,5 137:11 138:19 139:8 141:19 142:8,12,25 143:7,8,11 144:23 146:19 147:1 149:1,19 150:1,7,13,21 151:2,9,11,22 152:21,25 153:3,23 154:1 154:2,4,8,11,19 155:10,13 156:15 157:2 158:5 162:19 163:14,14,16 163:20,21 164:6,8 173:15 173:20,22 176:7,7 177:17 183:4 184:1 185:1 internationally 115:22 internet 54:11 interrupt 85:9 interrupting 65:5
---	--	--	--

interviewed 131:23 introduce 58:10,19 67:1 87:5 introduced 57:24 61:11 92:25 111:24 125:8,19 158:24 introducing 111:20 introduction 134:7 inventory 96:16 104:25 105:1 107:2 115:4 146:18 146:22 investigation 132:18 175:20 175:23 invoices 72:4 81:12,13 92:19 93:1,7,9 involved 80:17 97:17 98:12,15 105:8 115:22 147:4 involvement 67:24 82:10 85:20 95:15 97:20 140:24 157:8	involving 73:16 94:1 ip 58:24 62:10 66:12 70:14 76:21 78:18 79:6,25 80:6 80:17 81:13,22 83:10 84:19 86:23 87:14 88:19 90:13,14 92:3,9,22 93:2 94:1,4 96:12 98:13,17 100:24 101:13 110:3,12 122:23 159:16 161:22,25 162:4,5,17 167:7 177:21 ip's 94:16 110:19 ipaper.com 92:9 irs 174:23 issue 57:1 it'll 112:5 item 167:21 items 167:18 168:22 175:6 iv 167:4	jagannath 133:6 154:17 154:20 155:3 159:13 162:5 162:17 163:1 164:3 175:15 176:1,4,10 jagannath's 176:4 jain 106:15,24 107:1,1,4 145:15 146:2 146:18,21 jan 59:1 jane 54:17 55:20 january 51:12 54:2,8 56:25 77:10 79:12 182:15 183:3 jasmine 104:2 104:7,12 145:17,23 146:4 147:15 jim 91:21,22 job 53:15 81:14 81:21 108:17 108:17 113:12 116:3 130:20 174:11 175:12 joe 135:4 136:1 136:1 140:13 140:16,19 joined 137:1	josh 102:8 joshua 96:8,11 96:14 judge 149:24 172:21 174:9 174:25 175:2,9 judgment 157:7 judith 54:4 182:6,18 judy 51:25 55:5 61:19 179:15 180:3 jump 99:20 june 73:19,24 justification 175:10 justifications 175:6 jyotika 51:9 53:3 54:2,22 56:2 181:10,12 183:5 184:2,24 185:2,4,12
			k
			k 92:6 105:6 k&l 52:3 55:18 keep 129:8 150:3,5 156:4 159:19 166:7 169:24 keeping 108:7 kemira 91:24 92:1,3,5 101:4

kept 142:13 175:13 kids 105:18 kind 62:23 72:4 100:20 101:20 119:21 132:20 133:4 138:4 151:6 158:13 162:1 king 182:4 klgates.com 52:5 183:2 knew 93:20 164:10 know 56:9 60:1 61:21 62:20,23 63:9 64:6,13 65:6,12,12,13 65:14 66:7 67:1,4,5,9 68:6 69:21,22,24 70:13,13,18,18 70:22 73:3,23 74:22 75:11,17 75:22 76:6,25 77:13,15 79:10 79:23,24 80:16 81:11,18,19 82:17 83:3,20 83:23 84:5,6 85:4 88:4,9 90:19 91:11 92:4,20 93:3 95:2 96:8,14 96:25 97:14,22	98:12 99:4,4 99:16 100:3,8 102:1,8 103:3 105:11,13,14 105:17,19,24 106:1,4 107:6 107:15,24 108:4 109:7,13 109:25 110:5,6 110:6,9 111:9 111:10,14 112:6,9,12,20 113:7,11 114:21 115:7 116:9,11,14,15 117:3,7 118:14 119:2,19,21 121:15 122:6,9 122:14,15 123:23 125:19 126:15 127:4,9 128:3,21 129:1 130:10,10 131:6,8,13 132:2,3,5,6,20 133:3,4,5,7 135:3,7,9,10,23 136:2,17 137:13,15 138:15,24 139:1,2,5,6,14 139:25 140:3 140:21,21,23 140:25 141:1 142:4,9 143:7	144:19,25 145:13 146:3,5 146:11,13,15 146:17,17 147:3,5,9,24 148:11 149:22 149:24 150:10 150:10,18,19 150:20 151:4 151:10,19,21 154:8,11,22 155:9,21,25 156:8,11,14,17 156:19,20 157:1,2,4,6 158:15,16 160:9,13 161:3 162:9 164:5 165:18 166:3 167:14 168:2,3 169:6,8,14,21 170:7 172:20 172:20 173:15 174:4,5,14,16 174:17,19,21 178:1 180:19 knowing 61:22 130:18 knowledge 58:22 90:16 krishnan 165:7 165:8,12 kumar 60:4 62:20 72:1 74:8 86:24	93:24 94:12,19 97:20 98:18 99:2 105:12,16 105:18,19,20 105:22 109:24 113:2 118:4 125:9 126:10 126:14,15 133:5 135:5,6 139:15 140:3 140:19,22,25 142:9,10 162:4 162:16 170:8 170:11 176:3 177:2,8 179:4 kumar's 60:6 171:25
			I
			I 67:14,14 80:14 82:12 87:9 label 148:18 labeled 159:20 160:6 lacks 85:8 large 102:21 131:19 larger 123:5 173:25 late 141:9 law 55:16 leading 91:8 learned 155:24 lease 109:1,2 109:12,22

leased 109:25	132:21 134:9	66:1,19 72:16	lower 153:12
leasing 109:25	149:23 159:19	81:1 91:19	lunch 168:9
leave 159:21	160:2,10 166:9	96:21 97:24	lying 128:22
175:16	169:11	155:8 159:21	m
left 141:6 160:8	llp 52:8	164:25 165:2	m 56:6 87:9
legal 55:4,6	load 89:13,15	165:20 167:21	88:21 92:6
181:11 183:23	90:7,11,14,14	171:15	103:15 105:6
length 69:9	90:16,19 91:2	looked 145:11	140:9 170:22
letter 53:20	111:17	161:1 163:24	ma'am 106:10
177:9	loaded 148:3	165:21	machinery
letterhead	loading 166:2,7	looking 58:6,13	76:16,17
157:24 158:2,9	local 111:16	65:15 66:1	mad 61:20
158:17	128:9	77:20 79:17	made 68:6 76:3
letters 160:4	located 67:8	81:8 86:16	88:2 113:7,8
letting 70:18	75:2 107:4,7	87:4 91:10	134:14 185:5
163:9	107:13,14	94:21 96:22	mailing 93:9
level 96:25	110:24 121:12	113:10 145:5	107:6
license 182:20	121:17	146:5 148:16	main 63:8
life 147:14	location 55:1	153:22 156:11	91:20
limit 62:7 99:23	90:2,21	157:17	majority
limited 100:3	locations 89:15	looks 56:23	117:16
line 74:14 84:4	logging 55:20	90:19 106:10	make 58:11
86:3 184:4,7	login 164:18	127:24 146:1	62:18 63:3
184:10,13,16	logistics 128:8	149:2 171:24	74:12 81:21
184:19	long 66:25	lost 148:15	95:3 99:7
link 56:25	79:21 104:1	156:4	100:9,9 101:8
liquid 75:5,8,12	126:4 132:12	lot 85:1,13,19	101:12 102:12
list 64:21 66:19	138:8 148:7	95:8 116:6,8	102:15 115:2
listed 64:21	159:12 161:11	126:10 135:9	130:21 151:22
listening 118:4	166:21	138:5 144:2	152:16 157:7
listing 88:5	longer 131:9	150:22 155:20	161:24
literally 60:18	144:4 166:9	louisiana	makes 147:24
little 81:9 95:16	look 56:13	136:24	148:1
96:15 97:3	58:14 59:8,9	low 151:4,13	making 75:10
128:7 131:20	63:14 64:20		85:1 98:22

112:21,24 152:3 malfunction 111:19 mallen 85:25 86:3 man 106:24,25 124:10 manager 77:17 101:23 114:24 139:15 154:18 154:18,19 managers 139:10,12,15 152:11 mandatory 137:23 139:20 139:22,24 manish 104:3,7 104:12 145:23 mansfield 65:16,17 66:22 66:23 67:7 79:3 manufacture 120:21,25 121:3 136:11 136:14 manufacturing 120:22 121:1,8 121:15 122:12 136:5,8,10,13 136:19 137:13 map 136:6	mark 68:14 85:5,18 86:4,5 86:5 96:19 105:1 108:16 110:21 112:18 112:20 113:16 114:21,21 115:11,19,21 118:4 124:25 138:2,3,13,15 138:17,22,24 139:2,6 140:24 142:25 149:6 151:3,24 152:1 152:3,20 157:18 marked 56:15 58:5 72:14 85:10 106:8 111:22 118:20 123:13 131:16 148:5 159:1 165:3 171:12 marking 118:19 markup 125:3 125:5 149:16 149:20,23 153:1,4 157:11 mary 54:17 55:20 massachusetts 52:9 material 76:5,8 76:15,19 89:19	122:17,21 157:25 158:1,3 158:9 matter 54:23 55:19 103:14 156:10 177:2 maximum 178:19 mcgee 77:10,12 77:18 meal 168:8,10 mean 60:18 62:7 63:5 64:4 64:6 75:22,25 79:20 81:24 82:24,25 88:1 95:8 98:14,16 100:3 104:4 105:14 110:14 113:10 114:9 119:19 128:3 139:7 150:16 153:6,6,17 154:15 157:14 157:20 158:12 162:18 166:20 168:2 176:21 177:20,24 180:17 meaning 80:19 83:21 means 64:9 70:7 84:15 98:9 116:8	meant 123:5 133:20 147:14 media 54:21 100:12,15 144:10,13 178:22,25 181:10 meet 146:6,7 168:3 meeting 55:2 membership 169:15 memory 66:20 74:5 80:3 86:14 87:22 88:7 memphis 107:18,19 108:12,25 110:17 144:17 144:20,25 mention 110:12 111:11,13 127:7 mentioned 65:10 84:20 94:3 105:17 124:1 131:22 133:8 142:10 146:18 147:4 150:24 163:11 mentions 139:9 mess 130:7 messed 138:10
---	--	--	---

messing 170:14	137:10 139:8	minter 135:2	146:19 152:7
met 103:20	149:25 151:6	135:19,20	months 74:2
176:18	152:10,15	minus 160:7	119:20
metrick 59:17	million 176:7	minute 72:24	morning 54:7
59:21 60:1	mills 63:25	144:6 178:17	55:17 56:8,9
mid 94:15,15	66:13,19,20	minutes 97:6	102:9 103:10
95:13,14,15	68:23 74:21	97:15 99:21,23	move 129:10
103:21,24,25	75:8 76:14,16	132:13 144:3	173:23
104:5,7,10,22	77:2 78:13,16	166:7	moved 77:6
104:25 105:7,8	78:18 79:2,7	misc 172:6	moving 56:12
105:10,23	79:11 80:5,6,7	miscellaneous	129:8 166:7
106:16 107:6,9	82:25 83:2	170:24 172:6	msds 75:23,24
146:16,25	97:1 101:13	172:15,20	76:12 97:21
147:3,5,7,8	110:3,5,8,13,15	missed 63:3	msn 51:6
176:11	116:10,16	mistake 81:15	multiple 66:10
migrating	118:7 125:10	mix 75:7	74:21,22 83:4
134:13	133:17 134:11	mixing 75:14	murphy 52:8
mile 151:22	138:3 139:6	moment 58:15	53:5 55:14,14
mill 63:23,23	146:21,23	81:8 83:19	56:7,16 57:3,6
65:16,17 66:3	150:22 152:4,7	86:13 88:11	57:11,13,21
66:16 67:11	152:14,16	89:13 96:21	58:3,4 65:3
72:7 74:22	154:15,15,16	97:4,24 106:12	67:14,16 68:2
75:6,10,14	154:23,24	119:1 123:15	71:12 72:15
76:21,24,25	155:1,2	monday 180:7	73:9,11,21
77:1,4,23,25	mind 112:1	money 116:1	76:11 78:7,9
78:2,16 79:7	125:24 130:23	monitor 81:21	80:14,15 82:12
81:1,4,18 84:9	180:4	88:15 96:19,25	82:16 85:11
85:4,17 86:9	mini 69:9,11	104:25 105:1	88:23 90:23
87:19,20,22	minorities	monitored	91:18 92:7
88:3,8,15,19	93:21 94:5	107:2 146:21	96:1 99:19
89:16,22,24,25	minority 93:21	monitoring	100:17 101:9
90:3,21 91:4	94:5,7,22,24,25	84:18 85:3	103:8,11
98:2,8 101:17	95:4,6 96:6	96:19 106:14	109:15,18,23
102:9 114:10	117:13,14	106:16 114:20	113:22 114:6
114:25 125:11	125:20,20	115:4 118:6,7	114:11 115:6

115:10 116:22 117:1 121:18 122:5 123:5,8 125:18 128:2 128:24 135:21 136:16 143:5 143:18 148:13 148:15,19 149:21 153:5 153:14,16 154:6 155:6,16 155:19 160:23 162:7 164:4 168:1 173:13 174:24 175:8 176:14 179:11 179:22,23,25 181:1,4	95:2 151:16 name 55:3 59:17 60:4,24 66:21 80:10,11 84:3 96:9 102:22 103:12 104:4,6,13 105:4,4 106:15 106:17,19 119:11 120:15 124:9,10 147:15,16 name's 148:23 named 83:10 104:2 105:3 names 63:24 65:12 80:7 147:18 nanjing 126:20 126:21,22 127:1,7,11 141:4,23 nathan 52:3 55:18 57:25 103:12 148:13 179:14 180:1 183:1 nathan.towns... 52:5 183:2 national 127:4 nature 75:18 99:15 nda 82:10 nearby 81:2,3	neatherway 92:9 necessarily 85:20 135:10 necessary 185:6 necessitate 90:7 neck 160:15 need 58:10 63:3 75:14 84:5,15 86:13 89:25 91:9 92:25 93:18 96:15 97:15 98:3 123:7 137:8,12 150:23 169:24 174:6 177:12 179:17 needed 84:9 85:5 90:17 92:18,18 93:6 94:25 98:2,8 111:13 114:24 117:14 125:20 130:18 137:10 139:8 150:2 152:4,14 needs 174:10 175:12,13 neither 128:4 182:11 neuroz 70:4,4,6 70:8	never 72:11 90:16 133:8 139:5 142:10 147:8 151:13 157:19 163:7 177:24 new 57:25 61:10,14,16 86:17 87:4 92:17,25 93:6 93:11 138:1 139:24 156:11 176:18,18,21 176:21 night 177:2 nine 99:9 144:6 nitric 66:3,7 102:16 nondisclosure 82:9 83:11 nope 103:19 normal 75:9 normally 67:2 nos 159:1 165:3 notary 54:4 182:7,18 185:13,19 note 54:9 116:22 183:10 noted 185:7 notes 64:19 120:1 178:18 noticing 55:13 55:14
n			
n 52:1 53:1 56:6,6 67:14 70:5 80:14 82:12 103:15 103:15 105:6 106:19,19 126:22,22,22 170:13,13,14 170:21 171:2,8 172:10 n2 171:7 n567 170:15 n850p 70:4 nalco 82:10,11 82:12,19,19 83:7 93:15			

november 129:13,14 132:2 182:19 number 55:1 63:18 68:19 69:13 136:4 137:20 158:21 181:10 numbers 68:24 69:3 ny 183:15	164:4 168:1 173:13 174:24 175:8 176:14 objections 55:11 obtain 80:24 obtained 117:7 150:17 155:13 obviously 66:10 72:19 89:4 occasion 59:20 93:2 118:4 occasional 115:18,21 occasions 102:24 october 119:24 offer 153:12 offered 75:16 offering 64:1 71:25 149:3,19 offhand 107:15 office 107:9,11 107:16,16,17 107:18,20 108:3,11,25 116:12 144:17 officer 182:7 official 60:15 182:15 offload 89:24 oh 59:8 65:7,19 66:25 67:9 82:12 83:3	95:7 104:18 106:1 110:18 115:9 117:18 117:20 120:7 124:9 132:16 133:13 147:2 151:4 152:8 180:16,19 okay 54:18,21 56:19,20 57:3 57:6,11,20,21 57:24 58:3,8 58:13,19,21,25 59:2,4,9,14 60:1,3,6,14,22 61:1,5,5,14,19 61:23,25 62:7 62:14,18,24 63:7,13,14,21 64:4,12,18 65:4,7,11,21 66:1,10,15,23 67:7,10,15 68:9,14,17 69:12,18,23 70:11,17 71:9 71:13,17,20 72:3,12 73:2,6 73:8,11 74:7 74:14,21 75:2 75:8,20,23 76:2,4,20 77:6 77:18,20,23 78:1,13,22 79:1,6,12,23	80:2,19 82:8 82:17 83:2,4 83:10,13,13,18 83:23,25 84:4 84:14 85:3,21 86:8,18,25 87:16 88:11,14 89:4 90:13,18 91:5,10,14,23 92:2,8,13,20,24 93:22,25 94:10 95:17 96:21,23 96:24 97:9 98:4,20,23 99:4,19,24 100:22 101:10 101:19,25 102:5,11,19 103:7,8,20 105:23 106:3,6 111:20 112:2,8 112:10 113:6 113:12,19 115:11 118:15 118:24,25 119:1,5,6,7 120:1,3,10 122:11,16,21 123:2,18 124:12,16 125:24 126:4 126:18,24 129:6,18 130:1 130:2,16,23 131:18,21
o			
o 56:6 65:1 70:5 74:24 80:14 82:12 91:11,11,17 103:15 140:9 oath 56:4 103:17 object 85:8 objecting 123:7 objection 68:1 90:22 101:6,11 109:15,18,23 114:6,11 115:6 116:22 117:1 117:12 118:2 121:18 122:5 123:9 125:18 128:2,24 135:21 136:16 141:11 143:5 143:18 149:21 153:5,14 154:6 155:6,19 162:7			

132:8,12,23 133:5,8,10,13 133:20 134:7 134:19,24,25 135:4,8,11,17 135:25 136:6 136:12 137:15 137:18,22 138:24 139:9 140:4,20 141:1 141:3,5,24 143:2,10,22,25 144:6 145:2,7 145:10,13,14 145:15,19 146:18,21,25 147:3,6,12,21 147:23 148:9,9 148:10,25 149:2,5,12 155:20,23 156:25 157:13 157:17,24 158:18 159:3,6 159:11,19,25 160:1,2,8,13,13 161:5,6,7,15,18 161:21 162:12 162:25 163:9 164:15,22,25 165:5,12,15,19 166:3,6,12,12 166:14,18,22 167:3,7,10,13 167:16,21	168:7,11,18,21 169:1,16,18,25 170:10,13,16 170:20 171:1,4 171:9,14,23,25 172:3,4 173:22 174:8 176:16 177:6 178:15 179:8,14,18,23 180:9,10,23,24 180:25 181:5,8 old 138:18 olin 80:11,13 80:16,18 81:2 81:5 once 99:13 115:18 129:8 148:10 ones 70:23 152:4 open 56:17 112:5 145:12 159:7,9 165:6 171:18,19 operation 83:8 operations 80:17 84:8 opportunity 81:11 option 75:16 oral 54:1 orange 79:2 119:24 120:4 120:14	order 101:21 114:23 115:1 115:20 152:9 152:12 179:24 180:2,4,10,15 180:18 ordering 152:5 orders 72:4 179:18 oregon 128:12 128:16 orientation 137:24 138:1 138:13,16,25 139:3,3,4,21,24 osha 139:9,12 139:17 outcome 55:8 182:14 outside 109:5 110:24 111:2 121:3,6,16,23 121:23 122:3 122:12 127:2 141:14 outsource 67:5 120:22,25 151:7 outsourcing 153:7 own 108:23,24 109:5,8,10,14 121:8 124:13 124:15 127:1 135:14,15	136:11,14 144:24,25 152:13 owned 105:10 122:12 127:4 155:4 owner 94:20 142:20
			p
			p 52:1,1,8 65:1 88:21 91:17 105:6 145:25 146:15 pacific 83:22 83:24 84:2 133:16 144:5 178:21 page 53:9 57:15 58:9,13 59:9,11,11,12 60:10 62:2,5 63:12,13,14,16 65:5,15,23 66:1,15 67:17 67:19 68:17,19 68:20 71:14,17 71:18,18,21 72:20 73:15 86:11,14 93:14 102:5 134:12 148:17 160:3 160:11,18 161:2,3,8,13,15 161:18,21 163:18 171:21

172:3 184:4,7 184:10,13,16 184:19 pages 53:2 63:12 72:19 119:3 paid 116:2,2 130:21,22 140:22 147:8 147:13 palmer 54:17 55:20 paper 51:3 52:2 54:20,23 55:19 55:20 59:7,15 60:23 61:3,9 61:13,18 63:3 64:1,3,11,15 65:23 66:8 69:2 70:9,22 74:19 77:4 81:6 82:15 83:8 84:22 92:9,17 93:1 98:25 99:11 100:3 102:25 103:5,13 104:23 111:6,8 111:14,15 113:21,25 114:4,16,18 115:5,14,25 116:5,20,24 117:9,14,19,25 118:3 121:6	124:2,5,21,22 125:2,8,14,16 125:20 127:20 127:23,24,25 129:13,20 130:4,8,11,14 130:17,20,25 131:4,10,14 134:6,8,13,14 134:16,20,22 134:22 137:4,5 137:11 138:19 139:8 141:19 142:8,12,25 143:7,8,11 146:19 147:1 149:1,19 150:1 150:7,13,21 151:2,9,11,22 152:21,25 153:3,23 154:1 154:2,4,9,11,19 155:10,13 156:15 157:2 157:15 158:5 160:9 162:20 163:14,15,16 163:21 164:6,8 173:15,21,22 176:7,8 177:17 183:4 184:1 185:1 paper's 93:19 99:24 110:16 163:21	paragraph 89:12 161:21 parasuraman 105:3,5,8 parents 129:22 parker 77:3 part 65:11 81:13,21,24 82:13 83:7 84:7 86:25 90:10 92:20 93:12 96:25 97:25 116:14 135:20 137:9 175:20,23 participants 54:12 participate 84:6 particular 58:25 63:25 66:12,12 67:23 69:17 70:14,18 74:7,21 77:4 81:4,7 82:9 84:2 85:21 86:21,25 87:7 87:24 89:12 90:1,21 92:13 93:10 97:18 103:4 108:7 150:10 152:18 parties 54:15 92:10 182:12 182:13	parts 86:17 party 55:7 120:22 121:1 176:19 pass 99:2 password 164:19 past 62:19 64:16 patent 127:5 patents 109:8 127:4 pay 130:12 payable 68:10 71:23 81:25 85:1 92:21,23 103:23 104:19 115:17,24 142:23 143:20 147:10 157:22 178:2 paying 64:11 payment 92:13 167:5 payments 130:11,18,19 payroll 130:21 140:21 peninsula 168:11 pennsylvania 52:4 people 67:2 134:17 135:10 151:16 152:11
---	--	--	---

157:5 180:20 percent 74:11 80:22 87:17 percentage 105:13 114:22 perfect 133:13 performed 146:18 permitted 71:21 163:3 person 61:23 86:22 105:15 108:20 124:6,8 143:20 153:19 157:20 178:1,2 178:14 personal 58:22 88:6 110:21 174:14 personally 60:16,18 66:16 135:9 157:2 personnel 129:20 154:23 ph.d. 117:5 phone 59:21 108:6 137:9 146:8 piece 140:12 160:9 pitch 67:4 134:11 pittsburgh 52:4 place 52:9 54:15 68:7	72:10 114:20 115:1,20 129:13 placeholder 171:2 places 128:20 129:3 plaintiff 51:4 52:2 plants 66:10 platform 173:24 174:7 playing 84:22 85:2 please 54:9 55:11,22 61:20 63:12 95:24 100:5 104:18 112:9 126:18 137:19 148:8 149:6 159:16 165:6 plotting 169:22 plug 168:14 170:8 172:21 174:11 175:11 plugged 168:24 169:9 plugging 175:1 plus 160:7 point 65:4 68:8 68:11 72:18 79:12 85:5 96:15 114:22 127:13 131:2,8	131:23 137:23 138:19 173:4 popular 78:23 78:24 79:11 180:22 portion 126:8 portland 128:12,16 possible 56:25 57:14 100:8 129:11 possibly 62:13 100:20 103:6 112:17 113:2 119:19 126:12 126:14 potential 161:22 163:4 powder 75:6 powdered 75:17 powerpoint 53:12,18 87:18 87:20,25 88:2 126:4,6,9,13,15 133:20 premier 96:8 prepare 87:24 94:24 164:17 164:20 prepared 94:23 preparing 126:8 presence 136:4	present 52:11 155:25 156:1 presentation 87:18 125:11 126:7,12 127:19,21,22 127:24 128:4 129:12,18 133:22,24 134:7,19,21 141:15,18 presentations 110:14 presented 126:13,15 129:1 133:17 presenting 134:11 preston 124:10 124:11,12,16 124:18,19 125:11,19 135:11,13 preston's 124:23 125:3 125:17 pretty 88:2 152:6 prevent 89:16 previous 68:23 84:17,20 103:9 126:12 162:22 172:11,16 previously 65:13 70:24
--	---	---	---

78:21 103:20 113:20 121:9 130:3 140:16 144:16 145:11 price 64:2,5,9 64:10 72:1 98:16,22 99:1 99:10,18 124:22,25 125:4 149:3,17 153:12,18,19 153:22 154:1 155:9,10,18 156:6 157:18 prices 63:15 91:11,12,20 99:17 pricing 64:1,10 68:24 70:24 71:24,25 75:17 81:15,19,20,21 98:11,13,18,25 153:8,9 155:22 156:2,5,12 157:5,15,23 print 160:5 printed 59:17 60:3 prior 92:2,3 private 133:3 probably 66:25 77:17 78:21 79:21 88:9 97:15 119:21 120:6,9 126:7	126:7 134:21 148:23 149:23 150:19 157:6 159:12 160:4 162:24 166:20 168:16 problem 91:3 119:23 161:13 proceed 88:13 proceeding 55:11 proceedings 54:6 process 73:13 88:1 98:16 123:17 158:25 processed 95:19,24 96:5 processing 82:8 92:14 procured 122:22 procurement 53:11 56:18 61:1 154:18 procures 122:17 product 61:10 61:14,17 63:24 63:24,24 68:24 69:3,17 70:9 74:12 75:5,25 76:1 78:23,24 79:11,22 81:3 84:9 87:4 88:3	89:22 90:5,10 91:8,9,11,11,20 96:17 98:2 99:16 114:4,9 114:24 124:1,4 124:17,19,20 125:3,12 149:22,25 150:2,10 151:10,19,23 152:9,12,18 153:8 155:14 155:15 156:3 156:12 158:6,7 158:10,15 production 121:3 products 63:15 65:10,22 66:12 67:5 81:6 82:25 85:2,18 86:17 88:10 91:14 92:2 96:19 116:10 120:15,19,22 120:25 121:5 133:17,18 134:3 136:11 136:14 150:10 151:6,12 152:4 152:24 154:16 154:20 156:2,5 profession 172:25	professional 155:23 174:6 program 63:15 93:19 94:3,16 94:19 pronouncing 89:1 proper 174:22 properly 75:10 property 144:25 proposing 86:23 provide 72:1 76:15,18 78:13 78:15 81:6 83:4 84:18 95:4 116:5,9 134:3,23 137:7 138:1,7,12 149:25 150:5,6 151:5,10,13 152:20,25 164:18,22 176:6 provided 70:22 74:17 75:5 79:6 80:5,7 81:13 82:25 83:7 84:19 103:21 104:24 121:6 124:1,21 125:13 134:6 137:5,15 138:23 139:24
--	--	--	--

141:18 146:24 147:1 149:1 151:1 153:13 158:6 provider 70:10 providing 91:2 93:1 118:5 121:20 125:2,5 125:7 134:22 147:7 149:22 149:24 150:8 155:9,10 156:5 156:6,7,12 158:4,8,12 pry 147:14 public 54:4 182:7,18 185:19 pull 86:20 131:18 158:18 162:21 166:12 pulled 166:15 177:12 purchase 72:4 116:19 117:9 124:23 purchased 120:12 155:3 155:14 purchasing 77:17 116:18 124:4,6 154:11 154:15,16,20 154:24	purpose 66:23 98:1 purposely 60:17 purposes 106:12 put 60:15 61:11 72:2 84:12 91:4 96:3 153:7 157:15 157:24 158:2,9 168:4 169:22 172:22 putting 91:5	122:19 126:5 131:11 138:12 139:22 142:17 143:12 145:8 158:13 168:18 172:23 177:6 179:3 question's 61:22 questionnaires 100:19,20 questions 61:21 72:12 73:12 81:10 87:6,21 97:10 99:23 102:20 103:9 103:10 119:20 123:3,25 129:10 132:4 144:2 177:24 178:19 179:9 quick 100:7 quickbooks 72:6 164:19,24 173:1,2,6 quickly 129:10 quite 67:10 145:4 quote 96:15 149:6,11	182:1 184:3,3 r&d 127:13 radius 81:1 rail 109:10,12 ran 178:12 range 112:15 ray 88:25 89:8 89:21 rc.com 52:10 read 62:9,12 63:1 72:20 73:6 79:20 84:5 89:11,12 92:15 99:25 119:4 160:14 161:2 162:2 179:19 183:9 185:5 reading 64:8 reads 62:15 ready 58:20 88:13 114:23 114:25 152:9 152:12,18 165:20 real 104:13 109:5 realize 56:10 really 88:24 99:2,5 116:13 118:8 119:3,19 130:10 139:14 139:15 157:8 161:11 168:2 172:23 177:16
	q		
	qc 127:13 qualification 94:18 qualified 69:10 94:7 qualify 94:15 quality 54:10 54:11 quarter 90:4 question 58:16 65:11 67:23 72:21 73:22 75:4 83:16 87:12 91:20 93:17 95:23,24 96:3 99:6 100:1 102:7 103:18 113:13 119:7,8 120:11 120:21 122:16	r	
		r 52:1 65:1 70:5 91:17 92:6 105:6,6,6 106:19 140:9	

177:18 reason 64:5 65:11 84:10 147:18 167:24 168:12,19 169:20 183:11 184:6,9,12,15 184:18,21 reasons 84:10 rebrand 120:12 rebranded 120:15 recall 66:24 107:21,23 113:22 118:13 119:8,11 124:2 124:8 129:12 129:15,18 131:24 132:1,4 132:12 133:14 133:21 144:17 146:21 148:11 162:21,22 164:22 165:8 166:18,20 177:7 recap 132:3 receipt 183:18 receivable 68:10 71:23 81:25 85:1 92:21 103:23 104:19 115:17 115:24 130:21 142:23 143:20	147:10 157:22 178:2 receive 139:3,4 139:17,25 140:1 received 74:13 112:16 114:17 114:19 115:5 115:15 138:15 138:24 139:2 139:12,20 176:11 177:9 recognize 58:17 60:6,10 61:6 75:21 79:19 83:16 92:10 112:11 126:6 148:22 recognized 80:10 recollection 86:19 record 54:7,16 55:10 73:11,20 79:17 82:17 89:13 96:3 100:13,14,16 138:10 144:11 144:12,14 159:19 177:14 178:18,23,24 179:1,19 181:8 record's 171:20 recorded 54:14 54:22	recording 54:10,14 reduce 98:12 99:17 reduced 98:24 reductions 98:16 99:10 refer 78:22 88:4 reference 64:13 65:5 66:3,15 70:1,7 87:19 88:18 93:15 101:3 referenced 183:6 references 69:13 79:1 referred 62:1 87:25 referring 77:18 94:10 122:1 refers 82:9 reflecting 167:7 refresh 66:19 86:14 87:21 106:13 118:22 131:19 refreshes 74:4 refreshing 112:1 regard 56:14 61:2 62:9 70:20 72:12	100:2 regarding 74:10 114:14 115:3 130:24 132:17 regularity 99:13 regulation 63:2 reintroduce 57:22 relate 151:3 related 55:7 87:19 103:1 relating 66:6 relationship 130:4,9,14 142:15 150:20 150:21 161:24 164:13 relative 182:12 remember 61:4 67:9 69:1,5 75:19 77:5 80:7,10,11 83:9,12 84:1,1 86:8 87:12,23 88:10 89:7,8,9 91:20 95:8,14 95:15 97:19 100:21 101:24 103:1,25 107:8 107:14 110:11 110:15 112:22 112:24 119:13 119:14 124:9
---	---	---	--

126:8,13 128:5 129:21,22 132:6,14,25 138:17 146:9 146:23,25 152:23 159:11 161:10 162:23 remembered 54:1 76:5 remind 103:17 reminder 61:19 103:12 150:25 reminding 158:22 remote 55:2 remotely 55:9 repack 120:11 repackage 120:19,20 repackaging 120:14 repeat 95:24 106:17 139:22 repeated 173:14 rephrase 101:11 reported 51:25 142:18 reporter 55:5 55:22 61:20 64:25 65:2 67:13,13,15 70:4 71:1,1,3,6 71:9 76:9 78:4	78:8 80:12 82:11 87:9 88:21,22 91:16 92:5 95:23 105:5 106:17 106:20 126:21 126:23 140:8 140:10 149:9 149:12,14 179:14,18,23 180:1,7,25 181:5,7 182:6 reporting 142:15 174:23 represent 103:13 129:19 represented 103:18 representing 55:3,18 127:25 129:19 represents 63:22 68:18 83:21 republic 169:18 170:1 170:17 171:9 172:14,16 174:15 request 96:17 97:5 requested 134:18 requesting 149:25 150:14	require 75:8 163:19 169:24 required 89:22 116:16 149:23 185:13 requires 163:25 reselling 116:20 reserved 181:14 residing 54:5 182:19 resin 65:8,9 resins 64:20 resources 150:9 respect 60:23 73:12 100:5 respond 61:21 87:2 100:8 responding 98:4 response 85:12 130:22 responsible 114:3 178:5 rest 70:20 99:23 retained 62:24 181:11 retired 138:18 rettinger 91:21 return 53:25 90:5,11,12	91:7 164:21 168:23 170:2 170:12 171:19 171:23 183:13 183:17 returning 89:19 90:10 91:8 returns 164:17 164:18 revenue 167:7 review 62:20 69:14,14 81:12 82:13 88:11 112:8 113:12 119:1 135:1 148:10 161:4 164:11 170:11 172:5 178:17 183:7 reviewed 69:2 69:16 reviewing 119:3 reviews 62:19 rice 80:9,10,11 richardson 77:14,16 right 57:7,21 58:5,11 62:25 63:6,18,19 64:13 65:24 66:2,13 67:20 68:11,21,22 69:7,7,8,20
--	---	--	--

72:24 73:4,11 75:2,3 76:22 79:5,14 84:9 85:4,6,23 86:6 86:20 87:10,20 88:4,16,19 90:6,8,21 96:2 97:14 100:22 101:1,10,17,19 102:2,17 104:8 105:15,18 108:12 112:14 112:15 113:11 114:10 120:13 120:16,17 121:10,21 124:24 125:14 125:15,15 127:20,23 128:1 130:5 134:8,20 135:13 137:24 138:21 139:15 140:15,17 141:19 142:7 142:16,24 143:4,16,23 144:8 145:4,20 145:23,25 146:19 147:16 149:3,7,17 151:24 153:1 153:17,20,24 154:15,25 155:8,22 156:3	156:16,19,21 157:1 158:14 159:13,14,17 160:3,11,20 161:8,19 162:2 163:5,10,13,15 163:22,25 164:3 165:9,17 167:1,2,5,6 168:23 169:12 170:2,18 171:1 171:4,10 172:8 172:11,14 173:19 175:2 177:22 178:4 178:11 181:7 risk 129:7 riverdale 79:3 80:3 robinson 51:25 52:8 54:4 55:5 55:16 182:6,18 role 85:3 154:17 roles 84:23 85:2 rome 79:2 room 144:22 rosin 64:19 65:9 rotate 161:2 rough 181:2,3 roughly 180:6 rounding 97:10	row 70:3 167:21 168:11 169:3,11 170:15 171:1,8 172:6 rule 63:2 run 96:16,16 115:2 151:12 151:13 running 105:7 151:4 152:5,18 s s 52:1 53:8 65:1 65:1,1 87:9 91:11,17,17,17 105:6,6 106:19 106:19 170:22 184:3 safety 76:5,8,10 137:1,3,7,10,15 137:19,23 138:1,12,15,19 138:21,24 139:2,3,4,7,20 139:24 157:25 158:1,3,10 sake 119:2 salaries 113:3 salary 112:14 112:15 113:4 sales 67:4 82:5 101:23 116:6,8 116:11,18,25 133:22,24 134:4,7,11	135:6 140:2,3 157:20 sap 92:18 93:7 134:5 satisfied 151:22 savings 117:18 117:24 saw 172:10 saying 56:21 77:16 91:2 96:15 99:6,7 121:21,24 128:4 144:7 152:6 156:18 156:18 173:20 178:8 says 57:12 59:12 62:4 63:14,19 69:10 69:11 74:14 77:23 80:9 89:13,18 92:9 99:2 120:1,11 120:14,21 122:16 127:13 131:13 134:24 137:18,23 139:23 140:6 140:12 141:4,6 141:23,25 145:16,19 149:6 161:21 163:18 166:22 166:25 167:1,4 167:22 168:11
---	--	--	---

169:3,12 170:21 171:17 schedule 101:2 scheduling 56:11 school 105:18 scientists 127:14,16 128:1 scott 135:2,19 135:19 screen 54:14 73:2,4,19 86:11 93:11 94:22 102:3 111:24 123:12 160:11,12,16 160:21 166:10 171:14,16 scroll 58:15 63:7 67:17 69:13,25 75:20 83:13 86:14 120:10 126:18 127:10 128:7 136:3 137:18 140:4 141:3,22 160:3 161:1,4 161:8 169:11 170:13,20 171:1 172:3 scrolling 170:14 se 69:9,11	seal 161:16 182:15 seattle 182:19 second 57:23 58:19 62:9,11 62:15,19 63:1 82:13 93:14 101:19 112:8 119:23 120:7 120:10,11 149:5 160:3 161:1,15 166:3 180:25 secretary 178:3 section 172:5 see 56:18 57:1 57:7,17,21 58:2 59:6,9,10 59:14,18 60:3 60:4,9 61:25 62:2,2,21,24 63:1,8 64:12 64:12,13 65:7 65:7 66:3 67:18 69:7,11 70:5 72:16,16 72:22 73:3,9 73:18 74:4,15 74:24 77:3,7,9 77:10,16,23 83:14 86:25 88:24 92:15 93:18 94:22 95:8 98:24 99:8 102:3,6,7	106:5 111:24 112:3 119:23 119:24 120:1,2 120:12,23 122:19 125:24 127:13,14 128:9 131:3 134:12 139:10 140:12 141:7 142:1 156:5 159:3,5 160:7 160:12,20 165:10,19,24 166:15,22 167:22 169:4 170:15,21 171:2 172:6 177:12 seeing 57:24 79:1 128:5 133:14 141:21 148:11 159:11 173:7 seemed 134:10 seems 67:10 113:15 134:4,9 180:21 seen 54:13 66:6 74:3 78:20 133:15 sekur 105:3,6 145:25 146:6 146:10,12,15 sekur's 105:25	selected 147:18 sell 124:16,19 selling 124:5 sells 122:18 selma 80:2 send 100:18 163:3,9 164:11 174:3 181:2 sending 90:3 94:22 145:22 165:12,15 sent 77:21 89:22 96:14 98:5 162:25 164:3 169:10 183:14 sentence 128:15 separate 64:11 76:20 113:4 service 125:7 125:13,15 131:15 150:8,8 150:20,24 151:1,12 152:7 156:7 157:6 services 67:24 84:18 103:21 103:22 106:14 116:4 147:7 152:20 156:2 set 107:15 118:6 182:15 setting 104:20
--	--	--	--

seven 97:6 99:21 share 56:13 72:22 73:2,14 97:4 102:2 106:2 123:12 145:3 160:3,15 160:16 166:8 166:10 share's 160:5 shared 64:15 94:21 133:1 sharing 83:13 164:15 171:14 171:16 sheet 67:18 75:23,24 76:6 76:8,10 157:25 158:3,10 166:15,18 168:5 169:2,23 170:9 172:22 173:7 174:2,7 174:12 183:11 sheets 173:10 173:18 ship 89:13 shipment 84:4 84:7 152:13 shiv 60:4 74:8 85:17,22 86:24 88:25 93:24 94:2,12,19 97:19 98:6,18 99:6 104:4,6	104:12 105:12 105:16,21,23 105:25 107:16 108:2,8 110:3 110:16 111:11 116:4,4,7,18,24 117:5 122:1,2 122:3,14 127:7 127:25 128:22 130:24 133:5,8 133:17 138:7 138:12,22 139:17 140:25 142:15,18 143:14,22 144:16,19,25 145:19 146:2,4 146:10,15 147:6,18 149:5 155:1 157:10 157:18,24 162:4,12,16,22 162:25 170:8 170:11 171:25 173:18 174:18 175:3,25 176:3 176:6,17 178:12 179:4 shiv's 110:21 175:22 shop 156:15 shopping 153:18 short 100:10 115:2 123:24	152:5 shortly 97:15 123:4 show 67:1 93:15 showed 62:23 145:3 showing 68:23 81:9 97:13 101:21 shows 62:21 134:12 shreyans 106:15,24 sic 68:5 side 68:8 81:22 81:23 112:15 156:12 157:8 160:4,10 161:16 sign 64:7 163:9 164:11 171:25 183:12 signature 59:14 59:17 60:3,7 77:21 161:13 161:15,18 181:14 182:17 signatures 59:6 59:10 171:25 signed 63:4 159:16 183:20 significance 60:12 75:4 76:13	significant 82:22 101:13 similar 68:22 simply 58:16 65:14 67:23 72:21 117:9 simultaneously 129:9 single 143:16 173:19 sit 123:10 166:8 sitar 176:1 sitaraman 133:6 154:17 154:20 155:3 162:5,17 175:15 176:1,4 176:4,10 site 95:22,25 six 177:15 size 64:20 slide 126:5,19 127:10 128:8 128:10,14,15 128:17,21 133:13,15,18 133:19 134:12 134:24 135:19 135:23,25 136:2,3,3,12,17 137:18,20 139:9,19,23 140:4,5,5 141:3,10,18,22
---	---	--	--

141:22 slide's 134:10 slides 126:11 126:11 134:10 141:15 slight 111:18 slightly 144:4 160:8 slip 151:18 small 84:21 121:9 173:6 smaller 123:4,6 151:20 social 176:20 177:3 sodium 64:14 64:22 74:14,17 79:1 120:15 150:14 software 92:13 92:17,25 93:3 164:20 sold 122:22 124:20,20 152:21 153:23 sole 127:22 solutions 55:4 55:6 181:11 183:23 somebody 83:10 129:1 sorry 55:24 59:4 76:9 78:4 80:12 85:9 86:1 87:23	88:10 91:16 92:15 95:9 106:17 107:24 107:25 109:17 112:22 113:8 117:20,22 119:21 120:7 124:9,18 126:17 134:1 134:10 138:10 139:22 140:8 142:17 146:23 149:9 150:17 156:22 161:11 170:14 174:9 174:25 175:9 176:2 179:14 sort 165:1 sosperse 64:24 64:25 65:15 91:15,17 152:23,24,25 153:4 soto 91:10,11 91:13,19,23 92:1,2 sound 79:3 sounds 79:5 84:3 source 93:22 sourcing 163:19 south 54:3 94:15,15 95:13 95:14,16	103:21,24,25 104:5,7,10,22 104:25 105:7,8 105:10,23 106:16 136:22 146:16,25 147:3,5,7,8 176:11 south's 107:6,9 space 84:12 107:11,16 108:11,11,25 144:17 150:4 speak 146:8 speaking 89:9 speaks 135:9 specific 64:4 65:5 80:2 87:1 91:24 94:10,13 specifically 74:14 88:18 95:11 specifications 63:15 97:18 speculate 74:4 speculating 156:21 speculation 90:22,25 154:7 156:22,23 157:4 speed 97:3 101:20 123:23 speeds 113:19	spell 106:18 spelled 70:4 105:5,6 126:21 126:22 spellings 179:16,20 spoke 64:19,20 102:8 132:12 132:15 176:16 179:4 spread 81:5 spreadsheet 53:24 165:21 168:22 springfield 128:23 ss 182:3 staff 151:3 stamp 60:10,10 60:12,13,19,23 60:24 61:2 96:22 106:12 stamped 66:2 77:7 93:13 stand 106:13 170:24 standard 180:4 180:5,10,14 standing 180:15,18 stands 76:6 start 93:1,3 123:17 131:19 159:8
--	--	---	---

started 73:23 85:16 92:17 93:6 112:20 133:18 137:14 173:21 174:2,4 174:4,6 starts 86:12 state 54:5 55:10,12 67:7 95:7 136:12 139:20 182:3,8 182:18 statement 120:18 175:1 states 51:1 54:24 109:6 110:25 111:1,3 121:4,7,13,16 121:17,21,22 121:24 122:3 122:10,13,15 127:3 142:6 143:16 173:19 stay 144:19 stepping 81:7 stop 97:4 164:15 171:14 stopped 131:14 store 173:6 straight 106:10 125:16 strain 160:15 street 54:3 strength 64:20 64:24 65:6,8,8	strike 78:14 106:23 stuff 133:4 151:17 158:13 158:16 subcontractors 163:20 subject 74:14 76:12 84:4 87:7 submit 95:6 subscribed 185:14 substantial 115:25 130:19 sufficient 102:13 suit 176:8 suite 52:4 sulfamic 87:8 87:14 super 169:3 supplied 61:15 64:15 65:17,20 65:23 66:12 75:10 76:21 80:5 88:7 111:15 113:25 143:8,11 supplier 81:2 81:19 82:14,22 84:15 87:6 88:15 89:3 93:19 94:16 98:5,7,8	101:16 116:16 116:19 162:4 163:21 164:2 supplier's 161:25 162:1 suppliers 74:12 75:16 80:18,19 80:24 81:13 82:21 85:17 91:13,24,25 94:1 100:19 103:5 111:1 116:1 117:10 118:5,10 134:17 158:7 161:22 supplies 130:12 151:5 supply 75:11 78:2,18 79:25 80:17,21 81:22 83:7 84:8 87:14 89:4 91:14 100:23 100:25 128:9,9 152:19 supplying 63:10 66:8 92:2 96:12 152:5 support 72:5 suppose 62:22 62:23 supposed 115:7 133:3	supposedly 105:7 sure 58:12 63:3 64:23,24 66:21 68:6 69:19 74:11,23 75:10 76:6 77:1 79:20 80:23 81:22 83:23 85:1 92:16 95:3,17 100:20 102:12,15 110:7 112:6 113:2 115:2,11 119:8 130:21 138:9,14 147:10 151:22 152:3,17 156:19 160:17 surprise 63:5 96:14 swear 55:23 switch 81:20 switched 93:8 sworn 56:3 185:14 sync 180:21 system 92:14 92:17 93:6,10 96:19 114:20 118:6,7 134:15 systems 93:5
---	---	--	---

t	tank 102:9 114:22 tanker 84:12 84:12 89:23 90:1 98:3 tap 88:6 tasks 143:23 tax 53:25 82:1 82:5 93:20 94:4 117:18,24 125:21 164:17 164:18,21 168:23 170:2 170:11 171:23 171:23 taxes 170:11 teach 160:2 team 134:2,24 135:25 140:6,8 technical 57:1 telephone 67:3 132:9,11 tell 58:21 63:21 69:14 70:7 75:23 76:13 77:12 80:16 86:13 88:7,12 103:21 104:12 104:22 108:2 114:9 116:7 118:10,24 129:16 130:7 130:14 132:17 133:20 135:1,4 147:6 150:25 154:14 159:16 174:16 177:4 177:14 179:5 telling 102:8 130:23 173:9 tells 75:24 157:18 ten 83:2 107:25 112:22 139:9 139:12,17 tennessee 54:25 95:7,17 107:12 107:13,17,19 108:5 tenure 61:8,8 term 105:16 terminated 130:8 131:9 termination 130:24 terms 56:11,12 58:5 62:4 73:17 75:9 82:22 98:23 terrance 52:11 55:3 terry 179:19 180:14 testified 56:5 71:14 73:23 103:20 105:9 113:20 125:13 130:3 144:16 173:11 testify 177:2,4 177:10 testifying 175:25 176:3 testimony 62:8 64:16 70:19 84:17 90:6 104:6 106:22 107:1 111:5 115:3 119:17 121:9 122:8,11 124:2 131:23 140:16 142:22 154:23 156:14 168:21 169:25 172:16 173:18 179:6 181:9 183:9,18 185:8 texarkana 86:8 text 108:6 119:24 120:5 120:14 140:12 141:25 thank 55:20 56:8 58:2,21 59:6 61:25 63:7 65:2 72:12 78:8 88:22 91:10 96:2,8 100:11 103:8,11 106:20,22 113:6 123:2 126:23 136:7 140:10 148:19
----------	--

149:12 158:22 158:22 179:9 179:11,13,21 179:22 181:4 thanks 67:15 100:10 113:19 116:4 143:12 149:13 that'd 181:4 thing 79:10 95:13 98:6 119:4 134:4 157:21 180:22 things 85:19 95:9 101:20 107:25 113:19 123:23 129:8,8 148:3 166:7 177:23 think 66:22 69:9 76:8 84:10 87:15,23 90:25 91:17 93:7 97:12 119:16 126:10 130:3 131:9 134:3 144:1 147:24 148:1 150:24 152:17 155:11 160:13 174:6,22 180:4 thinking 123:5 third 64:1 65:5 69:8 89:12 120:21,22	121:1 127:13 161:18,21 thought 76:5 92:18 three 62:23 65:23 69:9 71:17,21 86:11 100:4 102:5 112:4 149:10 177:11,22 tight 123:10 166:8 till 85:17 time 55:12 56:20 58:7,10 58:11 59:20 61:10,23 64:7 66:25 79:12,21 84:6,25 85:2,5 87:18 91:4 92:16 96:20 100:3,13,16 103:10,18 108:7 112:5 114:17,19 115:5,15 116:2 116:3 118:5,8 118:11 119:2 122:17,21,22 123:21,22,24 127:14,16 128:1 129:17 130:22 137:14 138:8 141:20 144:1,11,14	146:24 150:1,2 150:8,20,24 151:1,5,10,10 151:19,23 152:5,17 159:7 159:12 161:11 166:18,21 176:16 177:13 177:15,18 178:21,23 179:1 183:19 timeframe 73:17 180:4 183:8 timely 102:16 times 75:16 81:11 88:15 97:17 99:14 100:18,23 107:20 155:20 173:14 timing 133:13 title 86:16 126:19 128:8 136:4 titled 127:11 today 55:5 123:24 168:9 today's 57:22 180:7 181:9 together 85:22 105:18 116:12 158:20 178:10 told 131:1 132:19,20,25	133:7 138:22 147:8,9 157:15 158:13 162:10 163:12 164:10 173:23 177:5,5 177:7,9 179:7 tom 80:9,10,11 took 68:7 123:16 168:3 172:13 tool 160:10 top 62:5 63:14 64:14 77:9 83:19 120:1 141:6 152:3 161:8 166:22 170:20,21 total 181:10 totally 108:1 totes 149:1 150:2,4,5 tour 169:6 tours 169:4 towards 172:1 town 128:8 161:4 townsend 52:3 53:6 54:19 55:17,18 56:23 57:14,20 58:2 68:1 73:10 85:8 90:22 97:16 100:7 101:6 103:11 103:13,16
---	---	---	--

106:9,21 109:21 110:2 111:23 114:7 114:13 115:8 115:13 116:23 117:4,12,15 118:2,9,21 121:25 122:7 123:6,10,14 125:23 126:22 126:25 128:6 129:5 131:17 135:24 136:18 140:9,11 141:11,17 143:9 144:1,8 144:15 148:6 148:14,17,20 148:21 149:11 149:13,15 150:12 153:11 153:21 154:10 155:12,17 156:13 159:2 160:20,24 162:11 164:14 165:4 168:6 171:13 173:17 175:4,14 176:15 178:16 179:2,9,15,21 180:3,9,11,13 180:16,19,23 181:6 183:1	track 108:7 148:15 training 137:2 137:3,7,10,15 138:13,16,25 139:3,4,4,10,13 139:17 trainings 138:5 138:6,20,21 139:7 trank 90:3 transcribe 61:23 transcribed 182:9 transcript 182:10,11 183:6,20 185:5 185:8 transferred 176:11 transition 135:6 travel 110:3 144:17 traveled 107:16 110:5,9 traveling 110:12 115:22 129:16,24 travelled 144:19 travelling 129:23 132:2	trial 70:1,7 86:23 176:1,4 trick 160:2 tricky 106:5 tried 148:2 151:5 trip 90:8 110:6 trouble 100:22 truck 89:23,24 89:25 90:4,4,8 90:9,13,17 91:3 98:3,8,9 98:10 truckload 150:4 true 182:10 185:8 truly 156:10 trust 64:23 truth 129:16 177:14 try 61:11 70:10 72:25 91:4 116:16 123:11 129:8,9 131:18 trying 61:16 81:8 87:5 89:21 91:1 97:3,13 101:20 132:19 134:2,5 135:6 150:6 151:9 175:16 tryout 125:12 turn 68:17 99:24 106:2	twice 107:22 115:18 two 66:21 78:12 79:13 87:21 95:1 99:14 102:19 107:23 119:3 129:8 152:8 158:18 159:3 164:25 178:19 tynes 124:10 135:11,13 type 61:12 62:14,18 76:3 typically 87:2
u			
u 70:5 87:9 105:6 u.s. 111:16 127:17,20 141:14 142:5 uh 61:24 69:4 70:2,6 73:1 77:8 85:15 126:1 127:12 135:12 137:25 140:7 170:23 ultimately 87:14 116:20 unable 57:4 under 59:17 60:22 90:18 103:17 120:15 143:4 167:3 168:22 182:7,9			

undergo 137:1 understand 89:2 90:6 98:14 99:6,15 108:1 117:16 117:24 121:20 126:18 133:23 153:6 158:14 158:16 162:15 173:24 174:13 understanding 65:16,21 66:11 74:17 75:13 83:25 93:18,25 94:6 117:21,21 118:3 130:8 155:23 158:11 170:3 understands 97:20 understood 108:20 138:6 143:12 152:2 unit 54:21 united 51:1 54:24 109:5 110:25 111:1,2 121:4,7,12,16 121:17,21,22 121:23 122:3,9 122:12,15 127:2 142:6 143:16 173:19 update 93:5 94:25 133:10	133:18 upload 92:18 93:7 106:4 118:18 123:16 129:9 uploaded 56:24 123:19 171:16 uploading 93:10 123:3 use 61:1 90:2 104:4,5,7,12,14 105:25 131:14 147:9 used 60:15 85:18 89:15 104:9 146:15 173:18,20 181:10 183:20 using 93:3 146:10,13 152:12 164:20 173:10 usually 180:14 180:20	153:10,12,13 various 62:1,9 63:9 73:16 79:2 80:6 92:10 96:12 97:1 vehicles 109:14 109:16,22,25 vendor 114:9 114:16 151:9 155:21 vendors 81:6 110:24 111:15 114:2,2,3 120:12,19 122:18,22 134:16 143:8 143:11 158:7 verify 183:9 veritext 55:3,5 181:11 183:14 183:23 veritext.com. 183:15 versaney 119:12 versus 54:23 vicksburg 79:3 video 54:14,22 54:22 180:12 180:21 videographer 52:11 54:7,21 55:4,22 100:12 100:15 144:10	144:13 178:22 178:25 180:11 180:15,17,21 180:24 181:8 videographer's 97:5 view 56:21 160:6 virginia 128:19 virtually 54:10 visit 66:23 107:9,12,20 110:16,19 137:10 138:3 139:8 visited 66:17 66:20 87:22 139:5 visiting 129:22 visits 107:23 volume 51:10 54:2,22 82:22 181:12
	v		w
	v 51:5 67:14 183:4 184:1 185:1 valliant 65:9 67:10,13,14 87:20 88:7 128:23 149:7 149:11 value 125:5 149:19 153:3,7		wait 123:24 131:2 waiting 171:19 want 58:11,19 62:7 69:20 74:4 76:5 84:11 131:14 166:10 169:3 178:17 179:23 180:1 181:1

wanted 60:24 67:5 91:2 114:15 134:16 149:25 150:4,6 151:12,14 158:2 warehouse 128:9,12,16,19 warehouses 128:22 129:2 warn 123:4 washington 54:3,5,5 182:3 182:8,18 water 101:22 102:1 way 54:3,5 64:8 68:3 73:20 74:5 101:21 105:1 107:2 118:1,3 131:15 we've 72:8 78:20 150:24 weather 100:23 101:13 web 57:15 website 95:18 96:5 week 180:7 181:3 weeks 152:8 weiss 52:11 55:3 went 70:24 87:18 104:14	105:18 106:10 107:15 113:3 119:19 125:21 142:15 168:2 western 54:25 wet 64:20,24 65:6,8,8 wheeler 86:8 86:15 whereof 182:15 win 61:17 156:2 wish 119:4 wit 54:6 withdraw 65:14 68:3 witness 53:2 54:13 55:23,24 57:4,9,12,18 58:1 65:1 71:2 71:5,8 76:10 78:6 80:13 89:18 91:17 92:6 95:25 100:2,11 106:18 109:17 144:6 160:22 179:13 182:15 183:8,10,12,19 woman 106:24 won 65:18 153:8 wood 71:3,6 word 70:23 71:8,9	words 149:10 wore 99:8 work 60:20 62:16 83:11 94:5 97:7 103:4 107:17 108:2,14,18 113:14 116:9 124:12,14 129:25 132:5 135:13 136:1 140:17 143:3 144:5 151:23 174:7 176:19 177:10,21,21 worked 58:22 70:14 92:14 93:21 104:9 108:8,15,21 116:12 118:7 138:4 143:6,7 177:11,11,22 working 56:11 73:24 74:2 88:14 116:12 123:11 129:24 142:8 143:15 143:22 156:1 173:12,14 works 70:10 124:24 144:8 worldwide 141:25 142:3 143:15	writing 120:4 165:8 written 148:23 wrong 64:8 wrote 75:22 159:12 ws 172:19
			x
			x 53:1,8 56:6 103:15
			y
			y 106:19 119:13 yeah 57:18 75:1,1 76:8 85:13 90:25 97:12 100:2,7 100:9 104:4,19 113:17 117:21 118:16 120:9 122:2 132:24 134:21 142:18 143:17 148:20 150:18 154:2 159:8 160:11 180:7,9,10 181:1,4 year 59:3,5 62:22 79:13 99:14,17 115:18,18 171:23 year's 176:18 176:18,21,21

years 62:23
 64:23 79:14
 95:1 99:9,14
 107:25 112:22
 115:17 155:24
 177:11,23

yellow 69:11
 120:4

yep 67:19
 112:2,7 113:15
 124:11 149:14
 180:1

young 102:22
 102:25 119:12
 119:15,17

z

z 70:5

zeros 112:4

zoom 55:2

zurich 51:6

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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